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The  
Canadian Historical Association

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Report of the Annual Meeting held at  
Ottawa

MAY 22 - 23, 1929

With Historical Papers

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Published by the Department of Public Archives  
Ottawa



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# THE CANADIAN HISTORICAL ASSOCIATION

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## ANNUAL MEETING

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### PRESIDENTIAL ADDRESS

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SIR EDMUND HEAD AND CANADIAN CONFEDERATION,  
1851-1858\*

BY CHESTER MARTIN

LADIES AND GENTLEMEN,—We are met here, it seems to me, under very happy auspices, and we are under a double obligation for this to Dr. Doughty. Not only have our transactions been printed under the auspices of the Public Archives of Canada, but we have the privilege of holding this meeting of the Canadian Historical Association in the headquarters, the counting-house—in this room, one might almost say, the treasure chamber—of Canadian history. Last year many members of the Association found their way as far afield as Winnipeg. The year before, as many of us will recall, the Association was fairly launched upon a new era of usefulness at the University of Toronto; though I must confess that when my own name, representing at that time, I suppose, Western Canada, went forward as Vice-President in Professor Wrong's office at Baldwin House, I little thought that the mills of the gods would grind so exceeding small. We are happy in having here, as one would expect in this place, the largest and most representative gathering we have ever had.

A secret memorandum on Confederation drafted by Sir Edmund Head for Lord Grey in 1851 was published in the transactions of the Canadian Historical Association of last year. It has occurred to me that a brief survey of Head's correspondence upon this project from 1851 until 1858 when it was definitely launched into practical politics might serve a double purpose. It might discharge the somewhat perfunctory obligations of a presidential address without requiring in the transactions space to which, after the last two issues, I do not feel entitled; and secondly, it might serve as an introduction to two other brief memoranda of Head's, and to one of the most interesting minor problems of Canadian history. Do these memoranda mark the point where Confederation became an inescapable issue in the old province of Canada? Do they forecast the crisis in practical politics which became the *causa causans* of Confederation, the mainspring which drove it forward (and many of the fathers of Confederation with it) until it became an accomplished fact? Is Head in that sense the grandfather of Confederation? I cannot hope to answer these questions to my satisfaction, but I think it will be possible to raise them in such a way that an answer will become necessary.

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\* I wish to acknowledge my indebtedness to Mr. W. M. Whitelaw for helping to decipher some of the difficulties of Head's handwriting and for valuable suggestions in the field of Maritime Union, the theme of Mr. Whitelaw's forthcoming book.

## I

The significance of the earlier memorandum of 1851, it seems to me, lies not in the fact that it antedates by seven years the resolutions of Alexander Tilloch Galt, but in the fact that it follows almost immediately upon the concession of responsible government, the vast implications of which Head's hard, cold, empirical intellect was among the first to grasp. Since the American Revolution there had been half a dozen projects of federation, all of them, perhaps, inspired by antipathies both to the form and to the temper of the American Union. The loss of the first Empire was attributed to the weakness of the executive and the strength of popular institutions fused at last into a Continental Congress. It became the policy of the second Empire to concentrate the executive and to disintegrate the nascent powers of the provincial Assemblies. The old province of Nova Scotia was broken into four fragments, and William Knox projected yet a fifth on the St. Croix. The old province of Quebec was divided into Upper and Lower Canada, and for the first time a Governor General was appointed for the North American provinces. To this scheme of things all the early projects of Confederation seem to have been attuned. A federated British American Empire, in a very literal sense, was to be set over against a federated American republic. Chief Justice Smith in 1790 proposed a "General Government for the Colonies" in which the "Governor and Board of Council" should be, not "shadows" as they had been in the first Empire, but dominant realities. The only central representative body was to represent not popular electorates but the provincial legislatures.<sup>1</sup> Colonel Robert Morse in 1784 believed that "a great country may yet be raised up in North America."<sup>2</sup> Chief Justice Sewell, thirty years later, brought forward again the traditional project of his father-in-law, Chief Justice Smith; and twelve years later, in 1826, Richard John Uniacke, the aged Attorney-General of Nova Scotia, left with Horton in the Colonial Office the most elaborate project of Confederation up to that time. The old colonial system, he reflected, "gave rise to a new nation. . . . I saw their first Congress assemble at Philadelphia." The British provinces that were left were still destined "for some great mighty purpose, and . . . the time is come for laying its foundation."<sup>3</sup> Like the project of Henry Sherwood in Canada twelve years later, however, Uniacke's contemplated no "change in the principles of the existing constitution." It was not until the twin principles of federation and self-government were combined in Roebuck's fantastic scheme (a copy of which in manuscript Durham brought with him on his Canadian mission) and in Durham's own project of a union for all the British provinces, that "something like a national existence" (to use Durham's phrase) came within the range of political speculation. In the presence of responsible government, federation becomes a new creature. It is no longer to be an artificial bulwark of executive power capable of being held against the United States, but the panoply of a sentient nation capable of standing upon its own feet. This, if I am not mistaken, is the significance of Head's first memorandum of 1851; for while Elgin was still obsessed in Canada with the problems of self-government alone, his old friend and colleague in the placid province of New Brunswick, was projecting a federation of British provinces with attributes of nationhood unattained, in some respects, to this

<sup>1</sup> *Report of Canadian Archives, 1890*, pp. 34-38.

<sup>2</sup> Report on Nova Scotia, in *Report of Canadian Archives, 1884*, Appendix C.

<sup>3</sup> *C. O. 217*, ff. 142, 232; *Can. Hist. Rev.*, 1925, p. 142, ed. Trotter.



day: "a powerful and independent State" under the British Crown that "would at once secure the interests of England and the ultimate prosperity of the Colonies themselves"; a nation with a uniform currency, and "a mint of their own"; a flag too of their own, preferably "the Union Jack with a modification of some sort"; above all with "a joint pride in the name of 'British North America' as their common country." In a later memorandum which I cannot submit here there is a still surer touch and a deeper faith:—

"Let the forms and the substance of our Constitution come to maturity in this part of America. . . . They should stand in conscious strength and in the full equipment of self Govt. as a free people bound by the ties of gratitude and affection."

What is the record of Head's interest in Confederation during the eventful years from his first project of 1851 to the Galt resolutions of 1858? Above all, what is his attitude towards the dominant issue which forced Confederation into practical politics in Canada and drove it irresistibly forward?

The first of these questions is easily answered for the period from the memorandum of 1851 to the summer of 1857. Head succeeded Elgin as Governor General in September, 1854. During the interval between 1851 and that date Johnston in Nova Scotia had introduced the first formal resolution in a British legislature in favour of British American Union.—an occasion made doubly memorable by the speech of his rival, Joseph Howe, on the organization of the Empire. The advocacy of both, however, was as yet tentative and academic, unstirred by "the great winds of reality" that afterwards, as we shall see, descended upon the issue in Canada. To this same period of academic advocacy belongs a long series of projections admirably traced by Professor Trotter in his *Canadian Federation*: projects by Henry Sherwood in 1851 and by Lieut.-Colonel Sleigh in 1853, both however still based upon 'a centralization of power'; by Peter Hamilton of *The Acadian Recorder* in 1855 and 1856; by A. A. Dorion in 1856, perhaps the first breath of the 'great winds' I have referred to; of J. C. Taché in July of 1857 in *Le Courrier du Canada*, and of Alexander Morris, in March, 1858, in his lecture on *Nova Britannia*. On March 2, 1856, Head sent to Henry Labouchere of the Colonial Office, a confidential memorandum on the Hudson's Bay Territories, suggesting the organization of the whole area from the Rockies to Lake Nipigon and from the north branch of the Saskatchewan to the United States boundary, as a territory under the name of Saskatchewan, with a Lieut.-Governor and a partially representative Council<sup>4</sup>. Eventually the old province of Canada was to "take charge of the whole territory of Saskatchewan and to provide for the fair representation in Parliament." Labouchere was a member of the Select Committee of the British House of Commons appointed to inquire into the whole position of the Hudson's Bay Company. Their monumental *Report* was presented in the following year<sup>5</sup>, and it is noteworthy that both of their chief recommendations were in agreement with the known views of Sir Edmund Head in 1856. They recommended that the fertile districts on the Red and Saskatchewan rivers should be 'ceded to Canada on equitable principles', and that the district west of the Rockies should be united with Vancouver Island to form a Crown Colony<sup>6</sup>.

<sup>4</sup> He proposed "Manitoba" as an alternative name, adding however that "Manitoba" is the most easily pronounced and spelt—but may be thought ill-omened as I believe it means "evil spirit." *Confidential Drafts, 1856 to 1866.*



Six months after the memorandum on the Hudson's Bay Territories Head drafted another "Private and Confidential" despatch to Labouchere on the Maritime Provinces and the Hudson's Bay Territories (September 3, 1856), with apologies for "taking this liberty" but pleading that "both of these—more especially the former—had long occupied my thoughts."<sup>7</sup>

"I may say shortly (he wrote) that I do not now believe in the practicability of the federal or legislative Union of Canada with the three 'Lower Colonies.'—I once thought differently but further knowledge and experience have changed my views—I believe however that it would be possible, with great advantage to all parties concerned to unite under one Government, Nova Scotia, Prince Edward's Island, and New Brunswick. . . . The process of such an Union would be a long one and . . . I can have no personal interest in the matter."

It is clear therefore that the earlier project of 1851 for a union of all the provinces had been abandoned by September, 1856, on the grounds of "practicability," but that Head was now busy upon a less ambitious scheme. He contemplated a leave of absence in 1857 in order to "communicate the results of my consideration either by word of mouth or on paper as circumstances permit." He sailed eventually from Quebec on June 20, 1857, and did not return to Canada until November. He was undoubtedly in London in July when the *Report* of the Select Committee on the Hudson's Bay Company was finally submitted to the House of Commons.

A third letter to Labouchere, dated at the Athenaeum Club, London, July 29, 1857, brings the record, so far as I have been able to trace it with certainty, down to that date. Referring to a note which he had received from the Hon. J. W. Johnston, Attorney-General of Nova Scotia, then also in London, Head adds the following commentary:—

"You are, sir, aware of the fact that a project of the kind was mooted some time ago and has been often talked of since.

"I am induced to solicit the attention of Her Majesty's advisers to the matter simply because I am impressed with its importance and because I have the honour of holding Her Majesty's Commission as Governor General. . . .

"It may be that an Union of all the four Colonies including Canada, would be impracticable, or would not be received with favour by all—It may be, on the other hand, that a Legislative union of the three Lower Colonies, i.e. Nova Scotia, New Brunswick and Prince Edward Island, would be more practicable in itself, and would be desired by those Colonies. Such a step would not in any way prejudice the future consideration of a more extensive union."

Head returned to Canada, as we have noted, in November, and it seems clear that he had tentatively given up his project of 1851 for a Union of all the provinces, in favour of three preliminary regional unions: a union of the Maritime Provinces and possibly Newfoundland, a vaster union of the whole central area of British America with the old province of Canada as the core, and finally a union of Vancouver Island and the mainland area west of the Rockies. The last of these was the only one which was brought to pass. The province of British Columbia was created in the following year and came into Confederation with its present boundaries in 1871.

The second question I have raised is not so easily answered. What was Head's connection with the dynamic issue which drove Confederation from its anchorage of academic discussion and launched it irretraceably upon the high seas of practical politics before the "great winds of reality"?

The disaster which threatened the Canadian Union was foreseen by Durham himself in the stipulations which he made, but made in vain, against the principle of equal representation for the upper and lower

<sup>5</sup> Head was in London at the time.

<sup>6</sup> *Report*, p. IV.

<sup>7</sup> *G. Series*, Vol. 206.

sections of the province. "To make the representation equal at the outset," notes Head in one of the most discerning of these memoranda, "was to admit a federal principle as existing after the Union. The time predicted by Lord Durham has nearly arrived. Upper Canada is conscious of her own strength and exults in the fact that she has outgrown her sister." Lower Canada had waived representation by population in the day of her adversity. Would Upper Canada be content to waive it perpetually in the day of her unquestioned ascendancy? Here was the "unsound spot in the Union," the "poison of disunion" which could no longer be "passed by or overlooked." Representation by population in the hands of George Brown and the "Clear Grit" party was a project to which in the long run there could be but one conclusion. The time came when Macdonald himself conceded the issue. "It is certain," he said in the Confederation Debates of 1865, "that in the progress of events representation by population would have been carried."<sup>8</sup>

But with representation by population was combined a still more dynamic policy, doubling its momentum and accelerating its speed. The cause of the frontier and of expansion in the West was championed in the *Globe* by George Brown with prophetic insight into the repercussion of the West upon Canadian policy. Deadlock was bad enough. The Union, already stricken with a creeping paralysis, was hobbling forward upon the twin crutches of coalitions and double majorities. But worse lay beyond. What would happen when deadlock came to an end, as come it must, before the onward march of westward expansion reinforced by the adoption of "representation by population"? Dorion saw the danger in 1856 and sought to raise a barrier for his countrymen in the expedient of a federal union between the two provinces. But Brown, like the hero in Ossian, was bent upon riding out the storm, and it can scarcely be gainsaid that among all the political vicissitudes of that day his were the best chances of making port in safety at the end.

While Brown therefore had everything to gain politically and little to lose by riding out to the storm, his opponents were not yet prepared to admit that they had everything to lose and little to gain. Macdonald and Cartier drew much of their support from the credit centres of population as distinct from the frontier. Governments long in office, too, are traditionally conservative, traditionally intent upon eking out the slender resources of political power. Neither party, perhaps, in the throes of political deadlock, was in a position to gauge disinterestedly the national disaster that lay ahead. Beyond political deadlock, as Head now wrote, lay "rivalry of race, language & worship," without compromise and without quarter. Escape lay only in local government for both Upper and Lower Canada within a broader federation of the British provinces; and the force of that argument was never relaxed until Confederation became an accomplished feat.

One may hazard the guess that this truth came home first, perhaps, to two men who must have been singularly akin to each other; both of them, by a curious coincidence, untrammelled by active partisanship. One of them, Alexander Tilloch Galt, was non-partisan by choice, the other, Sir Edmund Head, *ex officio*. Every instinct and economic interest of these two must have led them to forestall the impending conflict of race, language and religion. The one had the cold independent intellect of the financier,

<sup>8</sup> *Confederation Debates*, p. 27.



the projector of enterprises national in their scope but too empirical for the conventions of party. The other was also an empiricist, a Peelite whose cold analytical mind played unceasingly upon the two gravest problems that ever concerned the British provinces, the practical working out of responsible government and the destiny of British North America. Galt's place in Canadian history is secure, but I cannot help thinking that Head's has been obscured, largely perhaps by the brilliant qualities of his predecessor Lord Elgin, and still more effectually, I am inclined to think, by his own self-effacing modesty.

## 4

It would be hard to find a more concise and prophetic forecast of the peril which now threatened the Canadian Union than the four pages of the *Head Memoranda* which I have designated (A).<sup>9</sup> Unfortunately, however, these are without a date, without pagination, and without even a watermark. They precede immediately in the *Head Papers* a resolution (B),<sup>10</sup> which Head must have drafted during the session of 1858. This however may be a coincidence all too slight to warrant any decided conclusion without further proof, and it may be necessary to begin by exploring less conclusive evidence.

On July 7, 1858, Galt, then an independent member of the House, moved his well-known resolutions based squarely upon the preamble "that in view of the rapid development of the Population and resources of Western Canada, irreconcilable difficulties present themselves to the maintenance of that equality which formed the basis of the Union of *Upper* and *Lower Canada*." The resolutions of July 7 never went to the vote. One other member only spoke unequivocally in favour of them; the party leaders took no part in the discussion, and it has been generally conceded that had a division taken place the resolutions would have been lost. But the sequel, it seems to me, is very significant, and I state it in chronological order just as it stands.

On July 29 the Macdonald-Cartier ministry resigned. The Brown-Dorion ministry lasted two days. Head then called upon Galt, an untried independent member of the House who had never held a cabinet position in his life, to form a government. When Galt declined, the Governor General called upon Cartier to form a government, with Galt as Inspector-General, and with a "federal union of the British North American provinces" as an avowed policy. The Cartier-Galt-Macdonald ministry took office on August 6.

In the *Head Papers* <sup>11</sup> is a draft resolution evidently intended, from internal evidence, for the Canadian legislature—an original draft in Head's unmistakable handwriting, advocating a conference of two delegates from each of the British provinces to meet at Toronto in the month of October for the purpose of "preparing the draft of a definite scheme or plan" of Confederation to be submitted to the provincial legislatures. Whether a bulky but fragmentary project in the *Head Papers*—far too bulky for publication here—was intended to be such a "draft of a definite scheme or plan," can only be conjectured. Head's draft resolution, so far as I know, was never introduced—very fortunately, as we shall see, for Head's official relations with the Colonial Office—but its existence would seem to be *prima*

<sup>9</sup> See below pp.

<sup>10</sup> See below pp.

<sup>11</sup> See below under (B) pp.



*facie* evidence of the first importance. In proroguing the House on August 16, however, Head used the following words in the Speech from the Throne:

"I propose in the course of the recess to communicate with Her Majesty's Government, and with the Governments of the sister Colonies, on another matter of very great importance. I am desirous of inviting them to discuss with us the principles on which a bond of a federal character, uniting the Provinces of British North America may perhaps hereafter be practicable."

On September 9, there is a Minute of Council which Head afterwards admitted was "suggested by myself,"<sup>12</sup> urging upon "the Secretary of State for the Colonies, the propriety of authorizing a meeting of delegates on behalf of each colony, and of Upper and Lower Canada respectively, for the purpose of considering the subject of such federative union." The conference was to "meet with as little delay as possible" (Section 4), and the report to be placed "before the Provincial Parliaments with as little delay as possible" (Section 5).

Early in October, Galt, Cartier (Premier) and Ross left for London. On the 23rd they addressed a memorandum, based clearly upon the Minute of Council of September 9, to Sir Edward Bulwer-Lytton at the Colonial Office. The immediate result is well known. It became clear that Galt was its only active advocate on the other side, and Sir Edmund Head on this. The Colonial Office declined to authorize the meeting of delegates from the provincial Executive Councils on the grounds that such action would 'commit them to a preliminary step towards the settlement of a momentous issue, of which they have not yet signified their assent in principle.' It is fair to add that even in Canada the English-speaking party men like Macdonald and Brown on both sides were as yet thoroughly unconvinced, the one no doubt intent upon keeping office, the other upon getting it; while even Dorion and Cartier acquiesced only insofar as federation promised to safeguard their compatriots in Lower Canada against Brown's twin policies of "rep. by pop." and westward expansion.

But while the Colonial Office received Galt with great courtesy and sent him away with fair words, the reception they gave to Sir Edmund Head's share in the project was not so generous. Lytton himself wrote bluntly in September that it could not be passed over "without remark". "The federation of the Colonies" was a subject which "properly belongs to the executive authority of the Empire and not that of any separate province to initiate." The reply was a statement by Head himself, strictly truthful no doubt as it stands, but drafted with a certain deftness of phrase which is defensible perhaps only when it is recalled that Head was writing in self-defence. Denying that he had brought the 'subject under the notice of the Canadian Parliament for the first time' in his Speech from the Throne on August 16, he remarked that "it was before them at that very time".

"Early in the last Session, Mr. Galt, then unconnected with the ministry, put in the votes a notice for the consideration of it which was not yet disposed of.

"When Mr. Galt, therefore, came into office it was natural that the question of an Union of the Colonies should at once be discussed. I found him and several of the gentlemen about to assume office deeply impressed with the idea that in some such union alone could be found the ultimate solution of the great question which had been made a ground of agitation by Mr. Brown and his friends at the general election, viz.—the existing quality of representation of Upper and Lower Canada, and the alleged injustice inflicted on the former by such equality.

"This question I need not say, is one which threatens to touch the root of the present union . . . and might imperil its existence by reviving all the old antagonism of race and religion.

<sup>12</sup> Head to Lytton, Oct. 22, 1858.

"Mr. Galt and Mr. Cartier, on taking office,<sup>13</sup> were naturally anxious to offer to the Legislative Assembly some indication of the policy by which they hoped to meet this difficulty, more especially as Mr. Galt's opinions on this subject were already known and had been recorded on the journals of the House....

"The intimation of the ministerial policy, to be of any use, had to be made at once before Parliament separated; I did not think that I could under these circumstances refuse to announce to the Legislature that I would correspond with Her Majesty's Government and with the other Colonies."

Such is Sir Edmund's apologia for the Speech from the Throne of August 16, 1858. Fortunately he was not called upon to explain the earlier resolution drafted by his own hand for the Assembly before the session closed, and calling upon himself to "transmit without delay . . . to the Secretary of State for the Colonies" a series of resolutions more comprehensive, more adroit, more urgent, than Galt's, for the Confederation of the British Provinces. In this draft for the first time appears the project for an interprovincial Conference for the discussion of a British federation. For the first time he fixed a date and place—"at Toronto in the month of October"; he proposed to have the delegates selected forthwith, *ad hoc*, by the Canadian Assembly and Legislative Council, and to have them charged with the task of "preparing the draft of a definite scheme or plan", to be offered for the approval of delegates from the other provinces. What that 'definite scheme or plan' was to be may perhaps be conjectured, as we have already noted, from the context. Following the draft resolutions in the *Head Papers* are pages of minute detail upon the separation of federal and provincial powers, the revenues and expenditures chargeable to each, the judiciary and municipal government.

I cannot help thinking that this and the preceding memorandum on the approaching disaster to the Union represent the inner mind of Sir Edmund Head in 1858. If the earlier memorandum of 1851 was perhaps the first detailed project of Confederation, orientated to the dynamics of responsible government, these memoranda of 1858 may entitle Sir Edmund Head to share with Galt the honour of gauging for the first time the inescapable forces which eventually proved the *causa causans* of Confederation.

## TEXT

### A\*

No immediate occasion for action of any kind presents itself at the present moment but, it is on that account more desirable to cast our eyes forward & look steadily at the questions which seem likely to arise hereafter.

There is a remarkable passage in that report (Ld Durham's.) which has not been sufficiently considered & which shows great foresight & wisdom with reference to the conditions of the Union of U. & L.C. It is as follows—p. 116.

Ld Durham thus appreciated the danger which wd. ensue from adopting the provision of equal representation for U. & L.C. He foresaw that U.C. the population of wh, was then insignificant in numbers would afterwards outstrip L.C. and that the principle of equal representation would thus form a ground of quarrel between the two. If U.C. then inferior in

<sup>13</sup> Sir Edmund does not explain why he asked Mr. Galt to take office.

\* Undated, without pagination or water-mark, but immediately preceding the draft resolution below, (B), in the *Head Papers*. Head's handwriting is probably the worst in the *G. Series*.



numbers had acquiesced in an even vote of representation, L.C. would have had no ground of complaint if, in after years, the increase of population secured with it the legitimate recompense of increased representation. The equal representation was as Ld D. says eminently calculated to defeat the purpose it was intended to secure. To make the representation equal at the outset was to admit a federal principle as existing after the Union.

The time predicted by Lord Durham has nearly arrived: U.C. is conscious of her own strength & exults in the fact that she has outgrown her sister. Gratitude for past indulgence or forbearance is no bond in politics: Men in Parlt are pressed forward by the craving for popular excitement & the impatience of agitators or enthusiasts.

This unsound spot in the Union cannot be passed by or overlooked: the difficulty must be faced. The crisis may come sooner or later but the dualistic relation, if I may so call it, of U. & L.C. will be in constant peril. L.C. was content to acquiesce in equal powers being given the smaller population but she will not readily waive her own rights and instruct her representatives to assume voluntarily a subordinate position.

Had the representation at first been according to the population of the two sections & had Lower Canada enjoyed the privilege of an elder brother whilst U.C. was as it were in her minority—then the former cd. hardly have complained if the political rights of the latter had grown with her growth & strengthened with her strength.

But the federal principle—the assumption that two communities each holding a sort of quasi independence were going to live together was implied by the previous giving equal representation to each. The poison of disunion was left in the political system ready at any moment to influence to the utmost the rivalry of race language and worship which would at any time be kept down only by the greatest tact on the part of the Govt. & the utmost forbearance on the pt. of all.<sup>14</sup>

It may of course be said almost with certainty that without this provision of equal representation the Union would have been impossible—that Upper Canada wd. not have submitted to the immediate superiority of the Lower Province in the United Parlt. & would not have consented to wait for the slow & tardy process of acquiring a right to equal legislative powers by the increase of her population.

Whatever may be one's opinion on this point the vicious element in the constitution of the Union is not now less real because it may have been unavoidable.

There may be modes of escape from the embarrassment as it at present exists.<sup>15</sup>

If the Eastern townships were to advance very rapidly & if that district & the English population of Montreal & it's neighbourhood were to feel strongly & unanimously the importance of the Western trade then they might throw their weight into the side of U.C. and render resistance on the part of the French population impossible.

The fear at present is that unscrupulous partizans will endeavour to force on this question before the country is ripe for its peaceable solution.

<sup>14</sup> 'Our present business is to do the best we an from day to day and delay this crisis' crossed out here.

<sup>15</sup> 'Every day however tends to increase it. The supposed right of U.C. to increased representation will grow as her population grows more and more in excess of that of L.C.', crossed out here.





## REPORT OF THE SECRETARY-TREASURER

By NORMAN FEE

The annual meeting of the Canadian Historical Association was held in Ottawa on Wednesday and Thursday, May 22 and 23.

Through the courtesy of Dr. Doughty and the kindness of the Dominion Government, the Northcliffe Room in the Public Archives was placed at the disposal of the association. This room contains a wealth of material relating to the conquest including the last letters penned by Wolfe and Montcalm, the original painting of the Death of Wolfe by Benjamin West, books from the library of General Wolfe, a piece of furniture from the house of Montcalm and many other articles the gift of Lord Harmsworth to the people of Canada as a memorial to his brother Lord Northcliffe.

The first session was held on Thursday afternoon when the address of the president, Prof. Chester Martin, "Sir Edmund Head and the Canadian Confederation," and a paper by Prof. F. H. Underhill, "Canada's Relations with the Empire as seen by the Toronto Globe," were read. Other sessions were held on Friday at which the following papers were presented: D. C. Harvey, "Sidelights on Reciprocity and Confederation"; J. P. Bertrand, "Dufrost de la Jemeraie;" A. S. Morton, "The place of The Red River settlement in the plans of the Hudson's Bay Company, 1812-1825;" J. L. McDougall, "The Frontier School and Canadian history;" Dr. Gustave Lanctot, "Les Fonctions de l'intendant;" W. N. Sage, "John Work's first journal, 1823-1824;" J. P. Pritchett and D. J. Pierce, "The choice of Kingston as the capital of Canada, 1839-1841;" Dr. J. C. Webster, "The Dutch governor of Acadia;" F. Audet, "L. J. Papineau;" Dr. W. C. Milner, "Public records in the Maritime provinces;" A. R. M. Lower, "Some Neglected Aspects of Canadian History;" James J. Talman, "Travel literature as a source for the history of Upper Canada;" F. H. Soward, "The election of Canada to the League of Nations Council;" E. R. Adair, "French-Canadian Art;" His Honour Judge Fabre-Surveyer, "The early life of James McGill." The last-mentioned paper was read at the dinner which was held in the Chateau Laurier on the evening of May 23 and which more than fulfilled expectations in respect both to attendance and interest.

The thanks of the association were tendered to Dr. Doughty for the provision made in the Archives building for the meetings and for the co-operation of the Archives in the work of the association, to Professor Martin the retiring president, to Dr. Webster, and to the secretary-treasurer. The thanks of the association are also due to Mr. Wallace, Managing Editor of the Canadian Historical Review, to Dr. Brown, Associate Editor, to Miss Jarvis of the Review, also to Dr. Roy, Editor of the Bulletin des Recherches Historiques, for their assistance and co-operation during the year.

The annual statement shows an increase in the membership and an improvement in the financial condition of the association. During the year the secretaries have answered a large number of requests, sent to the association for information. In this connection the Archives have pro-

vided indispensable assistance. Progress is also being made in the acquisition of a complete collection of reports of historical societies. The Historical Association is combining with the National Research Council and the Royal Society in this enterprise, and it is expected that the collection will be made available for consultation in the library of the Royal Society at Ottawa. The secretary has received communications from a number of local historical societies with regard to their work during the year. It is to be hoped that this practice will continue and be extended.

There has been a noticeable and most encouraging growth of interest in the Association during the last three years, and the recent meeting showed the effects of this cumulative development in the attendance which represented all parts of the country and in the quality of the papers. It is apparent that the very great difficulties which face the Association, due especially to travelling distances, are gradually being overcome, and that the Association is each year becoming more important as a common meeting place for students of history from all parts of Canada. If this development continues, the association can make a vital contribution in co-ordinating historical activities, in fostering scholarship and interest in Canadian history and in encouraging the collection and organization of historical materials.

Officers of the association for the next year were elected as follows: President, Hon. Rodolphe Lemieux; Vice-President, Sir Robert Borden; Chairman of the Management Committee, L. J. Burpee; Treasurer and English Secretary, Norman Fee; French Secretary and Editor, Dr. Gustave Lanctot. The members of the council are: Prof. George E. Wilson, Dalhousie University; Dr. J. C. Webster, Shediac, N.B.; Prof. Victor Morin, University of Montreal; Senator Chapais, Quebec; Prof. Chester Martin, University of Manitoba, Winnipeg; Prof. D. A. McArthur, Kingston; Prof. A. G. Dorland, London; Prof. A. S. Morton, Saskatoon; Prof. A. L. Burt, Edmonton; Prof. D. C. Harvey, Vancouver.



# REPORT OF THE ASSEMBLY OF THE INTERNATIONAL COMMITTEE OF HISTORICAL SCIENCES

BY D. MACK EASTMAN

Over sixty delegates from thirty-four nations attended the third general assembly of the International Committee of Historical Sciences held in Venice during the second week of May. The romantic charm of the city of the Doges combined with the cordial hospitality of the municipal authorities to make this assembly as pleasant as it was profitable.

The public meeting on May 6 in the historic Palazzo Ducale was addressed by the podestat of Venice, the well-known historian, Pietro Orsi, as well as by other dignitaries of state or city, and by Professor Koht, of the University of Oslo, whose facility in several languages has constituted one element in his notable success as president of the International Committee since his election in August, 1928.

The Committee and its sub-committees carried on their work in the Reale Istituto Veneto. At the first plenary meeting the applications for membership of the Canadian and Ukrainian Historical Associations were unanimously accepted. Canada is the fifth country from the western hemisphere to offer her collaboration, the others being Argentina, Brazil, Chili, United States and Uruguay. No other Dominion has as yet asked for admission, although Australia and Ireland have the matter under consideration.

The Oslo congress had authorized the executive to set up several special committees, a few of which are already at work upon such matters as a bibliography concerning the international rôle of the papacy, the "Enlightened Despotism" of the eighteenth century, the causes and origins of the "Great Discoveries," the grain trade in the eighteenth century, banking, credit and exchange problems from the fifteenth century to 1815, historical geography and demography, the history of the sciences and of modern literature.

Eight standing committees, responsible directly to the central executive, have now been regularly constituted:—

(1) On *Publications*.—This committee is contemplating the foundation of an official International Historical Review as soon as circumstances permit.

(2) On *the Teaching of History*.—The meetings of this sub-committee were quite stirring. While no one would deny that text-books and programs were defective in most countries, yet there was a sharp conflict of opinion as to whether or not the International Committee should occupy itself with questions of pedagogy, which are apt to be closely related to philosophical and political concepts. While the delegates from Chili and Holland earnestly pleaded for sympathy and help from this council of savants in the work of eliminating from the text-books used in primary and secondary schools the false and bellicose patriotism which poisons the minds of the rising generation, the Italian representative derided the notion of "world history," and decried any attempt to influence the trend of teaching in the various national systems; for him the International Committee existed solely for the promotion of the higher research and the

improvement of the instruments and methods of historical science; as for this sub-committee—it might well adjourn *sine die*. The Bolshevik delegate, on the other hand, upheld the sub-committee as a possible and desirable battle ground for opposing doctrines. He maintained that objectivity was impossible, or, rather, that there were “two truths and two objectivities, the bourgeois and the proletarian.” Among these extreme points of view, a central position was taken up by Professor Glotz, the French chairman, who proposed to ask for factual studies of the present state of history teaching in the primary and secondary schools of the various nations upon the pattern of the thoroughly objective reports which had already been received from France and Hungary; it would then be time enough to consider whether further action was expedient. The members rallied to the chairman’s support, and as eleven national reports on the primary schools had already been received, it was agreed that these and the others that would follow, should be synthesized into a general statement for examination at a future meeting. In approving the chairman’s report the Committee took care to go on record as considering that the basis and end of its labours are scientific in character. In this spirit a suggestion from the Bellinzona Congress of the International Federation of Teachers relative to the preparation of a single manual of world history designed for use in all countries was generally regarded as impracticable; children must proceed from the known to the unknown; world history must be interpreted to them in terms of their national experience. Yet an anthology of readings from the great historians of various peoples would be practicable and beneficial; indeed the late Professor Aulard had such a reader under way before his death. With reference to an inquiry from the Cinematographic Institute of Rome, the sub-committee expressed the opinion that the cinematograph cannot truly reconstitute the past, but that, under competent supervision, it may record certain events of our own day in such manner as to render real service to the historians of the future.

(3) *On Bibliography*.—It was announced that the first International Yearbook of Historical Bibliography would probably appear in the autumn and would be devoted to the year 1926.

(4) *For a List of Diplomats*.—All countries are being asked to prepare national lists. By a “diplomat” is to be understood anyone, with or without titles, who has been entrusted with a diplomatic mission of a permanent character. The lists of representatives of States at important political congresses will be published in an annex to the principal volume.

(5) *For the Collection of Constitutions*.—This committee, exemplifying the special interest taken by the Italians of to-day in the subject of constitutional forms and changes, was set up on the initiative of Professor Volpe. Its original aim was a “vast publication of all the texts of the different European and extra European constitutions from the beginning of the development of modern constitutional life, i.e., generally speaking, from the beginning of the eighteenth century,—except in England where constitutional life is older”. However, the evident difficulties, financial and other, in the way of such a stupendous enterprise, constrained the committee to postpone its decision, and to turn in the meantime to the publication of a series of brief monographs, never exceeding 50 pages, on the constitutional growth of each country. The monographs should include summaries and bibliographies of the constitutions as well as of the most important constitutional acts, laws and amendments. The present plan is to produce



these sketches in the following order: Europe, the United States and Canada, Latin America, and so forth, and to publish them in several annual volumes of 300 pages each.

(6) *For a retrospective Bibliography of the Press.*—This bibliography, beginning with the appearance of printed periodicals, is to be as complete as possible up to the commencement of the cheap daily press. For more recent periods a careful selection will be obviously necessary. The work will end with 1914. For the future the task will be to standardize the yearbooks of the press of all nations.

(7) *For the Revision of Chronological Tables.*—For the present this committee will concentrate its attention upon the tables concerned with the Middle Ages in the western world.

(8) *On Iconography.*—Reports were received on the methods of classification practised in various great museums. The committee expressed the wish that, as iconographic documentation is essential to historical writing, iconography should henceforth be regularly studied as an auxiliary science to history. Turning to a contemporary aspect of their subject, the experts thought it desirable that in every country a committee should be set up to form a collection of films giving "an idea as complete as possible of the national life in all its manifestations in order that the future historian may dip into it as into a pure and living fountain."

The special committee that had been set up at the suggestion of the British delegation with a view to the co-ordination of research in the Archives in the Vatican, decided to entrust the *Instituto Storico Italiano* with the organization of a meeting in Rome toward the close of 1929 in which the representatives of the foreign historical institutes working in the Papal City should participate. The period especially envisaged for co-operative effort stretches from the close of the "Babylonish Captivity" to the beginning of the 16th century. The committee seized the opportunity of congratulating the *Ecole Française de Rome* upon the admirable manner in which it is bringing to completion its immense task of publishing integrally the registers of the Popes of Avignon.

Of particular interest to overseas historians was the resolution of the Oslo Congress in favour of the establishment somewhere of a central office to facilitate individual research in distant libraries or archives with the help of sufficiently qualified assistants. The International Committee is asking for suggestions from the various national groups.

It is the conviction of the writer of this report that the foundation and work of the International Committee of Historical Sciences will ultimately redound to the advantage both of scientific history and of mutual comprehension among peoples. In this task of prime importance though of long duration the Canadian Historical Association can play a rôle if it will. Already it has nominated its delegates to the various committees to whose duties I have alluded, and the international executive is counting upon steady and hearty Canadian collaboration.

The next three meetings of the General Assembly will be held in London and Cambridge in the spring of 1930, and in Hungary and Holland in 1931 and 1932 respectively.

The budget of the International Committee amounts to only \$12,616; and the national associations are badly in need of more generous contributions from their national governments.





## JOHN WORK'S FIRST JOURNAL, 1823-1824

By WALTER N. SAGE

In the Archives of British Columbia at Victoria, B.C., are preserved the manuscript journals of John Work. Transcripts prepared by Mr. Robert Edward Gosnell are in the Public Archives in Ottawa. Several of the journals have been published in the Washington Historical Quarterly and the Oregon Historical Quarterly. Messrs. William S. Lewis and Paul C. Phillips have edited the journal of the next Trading and Trapping expedition to the Flathead and Blackfoot Indians,<sup>1</sup> in 1831. Hubert Howe Bancroft was acquainted with these Work journals. Practically all of the journals which have been published deal with Work's activities south of the present International Boundary. The one exception is the journal of the McMillan expedition from Astoria to Fraser River in 1824 which sought a site for a trading post and explored the mouth of the river. This journal published by the Washington University State Historical Society in 1912<sup>2</sup> is really the second journal of John Work in chronological order and immediately follows the journal which is the subject of this paper. The Archives of British Columbia is planning the publication of all the Work journals.

The peripatetic side of fur trading life is clearly portrayed in these journals. John Work does not usually make records of happenings at the posts. These events were chronicled in the journals kept at the forts. What Work does is to write down day by day in his almost indecipherable handwriting, what happened when he was on one of his numerous journeys. His first journal of 1823-24 is no exception to the rule.

John Work or Wark, as the name apparently was originally spelled, was born in the north of Ireland in the year 1791.<sup>3</sup> He entered the service of the Hudson's Bay Company about the year 1814.<sup>4</sup> Until 1823 he was employed by the company in the vicinity of Hudson Bay. In that year he was ordered to proceed with Peter Skene Ogden to the Columbia. He left York Factory on July 18, 1823, and arrived at Spokane House October 27. He wintered at Spokane House and spent most of the summer of 1824 on the Columbia River going to and from Fort Astoria. Returning to Spokane House in August he set out on August 24, 1824, with Finan McDonald on a trading expedition to the Flathead Indians. He then went back to Astoria and returned up the Columbia. He was at Spokane House when the express arrived in October 27, bringing Governor Simpson and Dr. McLoughlin arriving on November 8. Ten days later he accompanied the McMillan expedition to Fraser River.

In June, 1825, he left Vancouver with brigade for the interior and the next year went back to Fort Vancouver with the brigade. But there is no need to trace all his movements in detail. Suffice it to say that he spent the year from 1826 to 1831 trading along the Columbia river. In that year he succeeded Peter Skene Ogden in charge of the Snake River brigade.

<sup>1</sup> Lewis and Phillips, *Journal of John Work*, Cleveland, The Arthur H. Clark Co. 1923.

<sup>2</sup> Washington Historical Quarterly, Vol. III, pp. 198-228.

<sup>3</sup> This is by inference. He died Dec. 22, 1861, at the age of seventy. Cf. *British Colonist* Victoria, B.C. Dec. 23, 1861; Lewis and Phillips, *op. cit.* p. 61.

<sup>4</sup> Archives of British Columbia, Memoir II. Victoria B.C. 1918, p. 12.

He was now a chief trader.<sup>5</sup> He led an expedition to the valley of the Great Salt Lake but met with little success on account of the hostility of the Blackfeet.<sup>6</sup> Returning from this journey he conducted another trading venture among the Flatheads and Blackfeet.<sup>7</sup>

Returning to Fort Vancouver in July, 1832, he was sent down to "Bonaventura Valley" in California. This expedition was not very successful. His men fell sick and he was hindered by American competition. The Russians in California were not sympathetic and would not sell him needed supplies. In disgust Work turned back, arriving at Fort Vancouver April 2, 1833. He was at once sent to the Snake river. In 1834 Work led a hunting party to the Umpqua country in southern Oregon.

In 1834-35 Work was placed in charge of the company's shipping on the northwest coast with headquarters at Vancouver. In 1837 he was placed in charge of Fort Simpson<sup>8</sup> where he remained until 1849. During this period he was in 1846 promoted to the rank of chief factor.<sup>9</sup> In 1849 he retired to Victoria and in 1854 Governor James Douglas appointed him a member of the Council of Vancouver Island.<sup>10</sup> He died in Victoria, as we have stated, on December 22, 1861.

John Work was a genial Irishman who served the company faithfully and well for thirty-five years. He possessed a strong physique, otherwise he could never have endured the terrific strain of almost constant travelling. He was a keen trader and if many of his expeditions were unsuccessful we must remember that he had to face not only adverse conditions but Indian hostility and American competition. Bancroft quotes a contemporary's opinion of him as "a tender hearted, generous Irishman who often amused his associates by his murder of the French language."<sup>11</sup>

So far as is known Work's first journal has never yet appeared in print. It is interesting as an account of a transcontinental journey of over a century ago and for its detailed account of life in the Columbia during the spring and summer of 1824.<sup>12</sup>

The journal begins at York Factory as follows:—

"July 1823 Friday 18

"Having received orders to that effect I embarked with Mr. Ogden for the Columbia with two light canoes four men in each. Mr. (John Lee) Lewis also embarked with us for Cumberland House. It was one o'clock when we embarked. The day was fine and we got on well we stopped near Penny cutaway.<sup>13</sup> Mr. Lewis killed a deer near cut."

The route followed was the usual one by way of Hayes River and Oxford House to Norway House. The weather was hot and sultry with occasional thunder storms. Ogden was making good time for Work remarks on several occasions on the length of the day's journey. They reached Oxford House a little before sunset on July 23. There they obtained a supply of pemmican. Starting out at three o'clock in the morning on July 26 the canoes reached

<sup>5</sup> The date of Work's promotion to commissioned rank is given in E. H. Oliver, *The Canadian North-West*, (Ottawa 1914) I. 624, as 1830. But the Minutes of Council 1830 (*ibid* I. 651) list him as a clerk. The minutes of Council for 1831 (*ibid* I. 666) list him among the chief traders for the Columbia District. Lewis and Phillips (*op. cit.* p. 58) give the date 1831 quoting Washington Historical Quarterly I. 263.

<sup>6</sup> Cf. Oregon Historical Quarterly XIII, 363-371, XIV. 280-314.

<sup>7</sup> This journal has been published by Lewis and Phillips, *supra* Note I.

<sup>8</sup> E. H. Oliver, *op. cit.* II. 767, (Minutes of Council for 1837), Lewis and Phillips *op. cit.* v. 60 give the date as 1835.

<sup>9</sup> Lewis and Phillips, p. 60.

<sup>10</sup> Archives of British Columbia, Memoir II. p. 24.

<sup>11</sup> H. H. Bancroft, *The North West Coast*, II. 464.

<sup>12</sup> The writer is indebted to Mr. John Forsyth, former Archivist of British Columbia, and to Mr. John Hosie, the present Archivist, for permission to make excerpts from the original MS.

<sup>13</sup> Pennycutaway River runs into Hayes River about twenty-five miles from York Factory.



Play green Lake that afternoon. Messrs. Ogden and Lewis went on ahead to Norway House taking with them one of Work's voyageurs. Work followed the next morning and arrived at Norway House "a little after sun rising some hours before any of the gentlemen got up."

Starting off from Norway House about 12 o'clock (noon) the canoes made favourable progress for about twenty miles, part of the way under sail but the sea became rough and the travellers had to put to shore. The supplies taken on board at Norway House had weighted the canoes rather heavily and they were now low in the water. The next day, July 29, the lake was still too rough to allow the canoes to proceed and the party enjoyed an unexpected holiday. The weather having moderated the express started again, but not until it was discovered that one of the voyageurs had deserted. He had evidently started to walk back to Norway House, a cross-country journey of about twenty miles.

And so the travellers went on across the north end of Lake Winnipeg to Cedar Lake and the Saskatchewan River to Cumberland House which they reached on August 5. It was the height of the fly season for we read, "we were like to be devoured with flies last night and today." Ogden engaged another voyageur to take the place of the one who deserted at Lake Winnipeg. Mr. Lewis left the express at Norway House. Work tells us that they had now six men for each canoe. A supply of pemmican was taken on board at Cumberland House but much of it was found to be moldy and quite unfit for use. As a result the voyageurs faced a shortage of provisions. Nor were the Indians of much assistance for we read under the date of August 11:

"We saw two bands of Chippewayan Indians, but they had no provisions to give us. Mr. Ogden says that there is never anything got from these Indians in this way. The cause is that formerly the Canadians going past would take what provisions they had from them and give them scarcely anything for it, hence they take care to keep anything they may have concealed in the woods."

Two days later while making their way along the chain of lakes which communicate with the Churchill River, Ogden, Work and their companions overtook the New Caledonia brigade commanded by McDougall. Ogden was very apprehensive that their provisions would not last until they reached Fort Isle à la Crosse and so McDougall gave him half a bag of pemmican.

On August 16 the express reached Isle à la Crosse. There the canoes were repaired. Work tells us that a new canoe which they had intended to take in exchange for one of their own was found worse than the one they had and so could not be taken. Fort Isle à la Crosse was the most important post in this region. Here the southern route to the Columbia separated from the northern route which led to the Athabaska, Mackenzie River and also by way of Peace River across the Great Divide to New Caledonia.

The men's provisions were just exhausted when the canoes were pulled up on shore at Fort Isle à la Crosse. Work then bears testimony to the appetite of the voyageurs.

"The men's provisions were just done. On leaving F<sup>14</sup> the canoes had 2 bags of Pemmican (one of them turned out to be a bag of grease given in mistake) and a bag of flour. At Oxford House a supply of two bags more was got. Then at Norway House a further supply of four bags of Pemmican and at Cumberland five bags more. Two of the bags got at Cumberland were unfit for use and have to be cast away

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<sup>14</sup> F York Factory. This symbol is often used for the factory in fur trading journals.

which leaves eleven bags that have been used in thirty days from York Factory besides  $\frac{1}{2}$  bag from Mr. McDougall. The men certainly worked hard but they eat as well."<sup>15</sup>

Forty pounds of dried meat was obtained for the men at Fort Isle à la Crosse—a meagre enough ration which was expected to last out until a supply of fresh provisions was secured at Moose Portage. The route now lay up Beaver River which flows into Lake Isle à la Crosse from the south. The men were soon complaining of the poorness of their fare. Some Indians whom they met furnished them with a little venison and the men tried their luck at hunting but without result. On August 22, the travellers passed an encampment of "free men"<sup>16</sup> and Indians but they reported that they were starving. The men were tired of dried meat which was so tough that they could not satisfy the pangs of hunger. The carcass of a buffalo was found but it was not edible. The voyageurs became excited for a moment when they came upon some fresh buffalo tracks but their hopes were in vain. At length on August 26, they came to the Moose Portage which leads from Beaver River to the Saskatchewan. Here the hoped for provisions did not materialize. Ogden decided to send Work with three men on foot to Edmonton to get food. One of the men, J. B. Gadwin, had wintered for several years in the Saskatchewan country. He was to act as guide. Ogden remained in camp with the other twelve men.

The little party set out in the afternoon of August 26, lost their way and having killed nothing on their journey went supperless to bed. Their equipment consisted of their guns, three quarters of a pound of powder, twenty-five balls, two blankets among four persons, one knife each and a small pot which Work carried.

Gadwin, apparently, was not a very competent guide and failed to find the trail to Moose Lake. At dusk the party encamped. Their supper consisted of two small ducks. Throughout the day they had found some few berries. They had had no breakfast. When they stopped for the night they had not had a drop of water.

The next day, August 28, the travellers reached the Saskatchewan. Following the river "along a good track" in the evening they met a canoe and two boys who were going to Carlton. From them they got "a good supper of the flesh of the jumping deer, which "Work quaintly adds, "we were not out of the need of having had no breakfast." The boys told Work that he was on the wrong road and the travellers lost several hours in making their way through long weeds and grass and over burnt, fallen wood to the river. But the trail still eluded them and it was not till the following day, August 29, that with the assistance of a Mr. Rock who was going with horses to Carlton House that they found it. That afternoon they fell in with a "herd of about 16 buffalo" and succeeded in killing a buffalo bull. They took enough meat to last for two days.

Finally on September 3, the weary quartette reached Edmonton, utterly tired out and their feet "much injured for want of shoes." The previous day they had had no breakfast, but they had supped off nine small ducks and a muskrat. That morning they had gone hungry but when they reached Edmonton La Rocque gave them an excellent dinner.

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<sup>15</sup> There were four men, besides passengers, in each of the two canoes from York Factory to Cumberland House, and six men in each canoe from there to Fort Isle à la Crosse. The consumption of pemmican was about three pounds per man per day—an average amount.

<sup>16</sup> Time expired servants of the company were known as "free men".



At Edmonton Work ascertained why provisions had not been sent to Ogden. The following is part of the entry for September 3:—

“The cause of no provisions being sent to Moose Portage was none having been received in time. The Indians are all at war and none of them worth mentioning have visited the Fort during the summer, so that no provisions have been received, but a small quantity, part of which was sent off yesterday to the Five Islands to meet the Columbia canoes. Mr. La Rocque imagined that Mr. Ogden would have been able to procure as much provisions as would have enabled him to reach that place. All the provisions at the Fort, consisting of three bags of pemmican and three bundles of dried meat, was now got ready with the utmost expedition, with which I am to go down the river in a canoe with the three men who accompanied me, while two other men are to proceed by land with five horses to meet us at Dogmeny’s creek for the purpose of conveying provisions to Moose Portage, and if the provisions be found too little to serve the people from three to Five Islands part of the horses are to be killed to make up the deficiency. This is the only practicable way of getting a supply to Mr. Ogden.”

Work started down the river in a freshly gummed canoe, which was none the less so leaky that they had to put ashore and gum it. At the same time they cooked “a meal of excellent meat and potatoes,” a luxurious contrast to the starvation of a few days previous. The canoe met with various accidents but in spite of this, assisted by a blanket rigged as a sail, the voyagers reached Dogmeny’s Creek in safety just before sundown on September 6. Three days later, after many adventures, Work and his men reached Moose Portage. There he found a letter from Ogden stating that his lack of provisions coupled with Work’s delay in returning had forced him to push on up the Beaver River towards Lake La Biche where he hoped to get some food from the Indians and free men. At last on September 10 Work overtook Ogden. Except for sixty pounds of pemmican which they got from a man who was on his way to meet William Connolly, Ogden and men had been subsisting on a few fish—six to eight a day—and some wild berries.

Ogden was now very ill, being seized by violent chills. He was utterly worn out and was suffering not only from the pangs of hunger but from the fatigue of walking day by day along the river bank. The Saskatchewan was now too low to allow anyone to travel in the canoes, which were being dragged through the shallow water by the men on the bank. In spite of chills and fever Ogden pressed on. Part of the time he rode, occasionally he was able to ride in a canoe, but when he was feeling stronger he walked. Usually he paid up for attempting to walk. We read thus in the entry for September 13.

“Mr. Ogden who appeared to be nearly recovered, was again seized with another shivering fit and taken very ill this evening. He walked along shore in the afternoon, probably the fatigue caused the relapse.”

Both the steersmen were suffering from sore feet and being unable to work had to walk along shore all the way up the river. Ogden’s condition grew worse. He was delirious at night but he would not give in. It was indeed a terrible journey. But Ogden was endowed with a strong constitution and slowly he recovered.

On September 14 Ogden, Work and their men arrived at the portage leaving from Beaver River to Lake La Biche. This portage is between eight and nine miles long and everything had to be carried, even the canoes. A number of Indians and freemen were encamped at the lake and Ogden purchased some fresh meat in return for tobacco. Ogden was still very ill, each evening the chills returned and the nights were torture but by morning he was usually well enough to proceed. The Athabasca,



or as Work calls it the Great Deer River, was reached on September 19. The current was too swift for the use of the paddle and fortunately the water was low enough to admit of polling. This was faster than towing or "tracking" and the voyageurs made good progress. Five days later, September 24, the canoes reached Fort Assiniboine which was then in the process of erection. Work thus describes this new post of the company on the Athabaska:—

"Wed. 24. Embarked at daylight and about noon arrived at a new House which Mr. McDonald the gentleman who is superintending the building calls Fort Assiniboine. It is situated on the North side of the River. This is the House which was to have been built at McLeod's Branch, the distance of which is four days work up the river, so that we were surprised at understanding that the buildings were here."

On September 27 the express passed McLeod's branch and on October arrived at Jasper House. After a three day's rest Ogden and Work left Jasper with their canoes a little after sunrise and in a few hours arrived at Henry House. There they left the canoes. On October 10 they reached the top of Athabaska Pass. Work thus describes the Great Divide:—

"Friday 10. In the afternoon we crossed the height of land. This though so named is in the narrow valley which we have been following and is enclosed between high mountains topped with snow—that on the left hand or East side is called McGillivray's Rock in honour of Mr. W. McGillivray who was the head of the N.W. Co. it is a very high mountain. The one opposite to it tho' less elevated is also very high. Between these two mountains are situated three small lakes all in a line, in the one we just came to the branch of the Elk or Athabasca river which we have been following has its source and is at just very narrow. In the third Lake the foul or faint hearted river (sic) which empties itself into the Columbia, rises, the Middle Lake empties itself into the third one and when this water is high it also runs into the first one. So that at the season of the high water, both the above rivers may be said to have their rise in this Lake, though they run in opposite directions. The foul hearted river is here very narrow and tumbling down through rough stones and rocks, the banks in many places soft and boggy. The Road is sometimes in the one and sometimes on the other side of the river. Encamped in the afternoon near what is called the big hill.

"Saturday 11. "Overcast in the morning.

"Proceeded on our journey, after ascending a pretty steep hill on the west side of the valley, we came to the top of what is called the big hill, which we descended through a very steep and difficult road in many places towards the top and on the top of the hill boggy, and often almost blocked up with fallen wood towards the bottom of the hill the road is harder and better. At the bottom we again fell into the faint hearted river which here receives another small river from the West. We proceeded down a narrow valley between steep hills some of which are topped with snow though covered with wood nearly on the summits. The river often divides into different channels and wider from side to side of the valley which is here called flats and is entirely overflowed in the season of high water.

"The hill which we came down is covered with very large wood chiefly pine and cedar, some of the largest of the latter are 12 feet in circumference. I measured one which is 18 feet in girth. There is also a small shrub called the prickly ash. Some brush are met with at the bottom of the hill. The cedar are not found further up than about the middle of the hill. On reaching the bottom of the hill the climate seems greatly changed from what we have had for some time past."

On October 13 the travellers were at the Boat Encampment. Here they found Kennedy and Alexander Ross who had been waiting twenty days for them. They now made haste and arrived at Kettle Falls on October 20. On the 22nd Ross and one man set out for Spokane. That day Kittson and one companion arrived from Spokane with the "melancholy intelligence that six of the freeman who accompanies Mr. McDonald to the Snake Country were killed by a war party of plains Indians from the other side of the Mountains."

Ogden, Kittson and Work set out for Spokane on October 25. Kennedy and Birnie with twenty-one men started for Astoria. On October 27 Kittson and Work arrived at Spokane House. Ogden with the remainder of the express party arrived on October 28, 1823.

At this point John Work's journal breaks off abruptly to be resumed again in April 15, 1824, when Peter Skene Ogden, John Work and Finan McDonald left Spokane House with a brigade of men and horses for Fort George, (Astoria). At Spokane Forks they found the boats awaiting them and arrived at Fort Okanagan on April 18. After waiting for boats from Fort George the brigade set out from Fort Okanagan on May 1 and two days later were at Fort Nez Percé (Fort Walla Walla). They passed the Cascades on May 11 and arrived at Fort George on May 13. The annual ship from England not having arrived and food being short at the depot, Work was ordered to go up the river to fish for salmon taking with him thirty-five men in three boats. For purposes of trade Work's party was provided with "a small outfit of Tobacco, Axes, Hooks, Rings, Files, Knives Beads and a little ammunition." The ammunition, Work tells us was not to be given for fish if they could be procured otherwise. The salmon fishing continued with varying success until the end of June when Work paid a flying visit to Fort George. The ship had not yet arrived and Work after obtaining a small supply of much-needed trading articles returned up the river early in July. It was a very wet season. Day after day Work pens the following entry: "Weighty rain the greater part of the day."

At length at the beginning of August Peter Skene Ogden decided that he could wait no longer for the ship. Accordingly on August 2 John Work, Finan McDonald and Francis N. Annance left Fort George with six loaded boats. Ogden accompanied by John Warren Dease, John McLeod and Mr. Kennedy caught up to the boats on August 3 and the whole brigade started up the river. John Work who was sent on ahead arrived at Spokane House on the 16th and remained there till the 22nd. Ogden and the boats reached Spokane Forks on August 25. Work met him with horses and four days later the brigade was at Spokane House.

The next day, Finan McDonald and John Work with a party of thirteen men and a supply of goods set out for the country of the Flatheads on a trading expedition. On their way they obtained six hundred and fifty beaver skins, twenty bales of deer provisions and some buffalo robes and dressed skins. Their trade was interrupted on September 10 by letters from Spokane House informing them of the arrival of the ship at Fort George on August 24. McDonald and Work were then near the Coeur d'Alene Plains. They made a rapid return to Spokane House and on Monday September 13 Ogden and his party started for Fort George. A week later the brigade was at the depot on the Columbia where they remained until September 28. On October 7 they were at Fort Nez Percé on the return trip. Ogden next day went on with the boats to Spokane Forks but Work started off overland to Spokane House "with letters and horses in case Mr. Dease can procure any from the Indians." Work obtained mounts for himself and one companion and arrived at Spokane House on October 14. Three days later accompanied by two men with forty horses Work set out for Spokane Forks where he was to wait for Ogden and the boats.

But from this point it is best to allow John Work to tell his own story.



- Monday 18 Arrived at the Forks in the afternoon. It was foggy in the morning and we lost a good deal of time searching the horses which had strayed, three of which we could not find. Sent an Indian to seek them in the afternoon.
- Tuesday 19. The Indian arrived with the horses in the morning.
- Wed'y. 20. Mr. Ogden arrived with the boats in the morning 21 days from Fort George which is reckoned an expeditious journey with loaded boats. The after part of the day was occupied arranging the property for horseback.
- Thursday 21 The property and all the Spokane men but 2 were sent off to Spokane in charge of Mr. McDonald. Mr. Ogden remained with me and the remainder of the extra men to wait for the Express.
- Wed'y. 27. The Express arrived in the afternoon, 2 Boats with Governor Simpson, Dr. McLaughlin (sic), Mr. McMillan and Mr. Dears and Mr. McKay.
- October, 1824. The Govr, Dr. McLaughlin, Messrs McMillan, Ogden and
- Thursday 28 McKay went off to Spokane—I was left with the men. The Governor informed me that I am to go to the Sea.
- Sat'y. 30. The gentlemen returned from Spokane—The Boats are ordered to be gummed in the evening, so that everything may be ready tomorrow.
- Sunday 31. Embarked about 10 Oclock with the Govr and Mr. McMillan in on (sic) boat and Dr. McLaughlin and Mr. McKay in another for Fort George. A third boat went ahead a few days ago to Okanagan. Mr. Ogden and the people for Spokane remain to proceed to their destination. In the evening we encamped below the Sampoil River.
- Nov. Embarked at daylight and arrived at Okanagan in time for breakfast
- Monday 1. Here a halted (sic) was made the remainder of the day preparing despatches for Mr. McLeod.
- Tuesday 2. Continued our journey early, and encamped in the evening just above Stoney island.
- Wed'y 3. Proceeded on our journey early in the morning and Stopped in the evening some distance below the Priest's Rapids.
- Tuesday 4. After Supper last night we persued our voyage and continue on all night and arrived at Walla Walla a little after Sunrising, where we remained for the day.
- Friday 5. We took our departure from Wallawalla after breakfast, and encamped in the evening a little below the Big island. We were considerably retarded the greater part of the day by a strong head wind.
- Sat d'y 6. Embarked before daylight and came to near halfway between the Dalls and Cascades, everything was carried at the Shoots, but we ran both the Big and little Dalls. We saw a good many Indians yesterday, only about a hundred at the Shoots.
- Sunday 7. Embarked in the night, passed the portage at the Cascades and encamped in the evening opposite the upper branch of the Willamat. We had a Sails wind part of the day below the Cascades.
- Nov<sup>r</sup> 1824. After supper last night continued our journey and arrived at Fort
- Monday 8. George in the evening. The wind was favorable and assisted us a good deal.

The rainy season has not yet commenced."

The above extracts are indicative of the speed at which Governor Simpson and Dr. McLoughlin were travelling. They made fast time from the Forks of the Spokane to Fort Astoria. It was rare that the voyageurs were forced to paddle all night but Simpson loved to race and did not spare his men.



The rainy season did not commence until Sunday, November 14, but then we read of "weighty rain in the night and all day." In the meantime Governor Simpson and Dr. McLoughlin had been preparing to send out James McMillan and an exploring party to the mouth of Fraser River. John Work's first journal concludes with the following entry concerning this expedition:—

Wed y 17.

"The Weather has been showery since Sunday last. preparations have been made for some days to send off an Expedition to the Northward, for the purpose of ascertaining the Situation of the entrance of Frasers River and the possibility of navigating the coast in small boats. Frasers River and about its entrance are also to be examined if it can be accomplished. It is understood from a report that these are the principal objects of the undertaking.—The party are to consist of Mr. Jas McMillan, who commands the Expedition, Mr. Thos. McKay, Mr. F. N. Annance and Myself and 35 men. The Journey is to be performed in small boats 3 in number. Everything is now prepared to start tomorrow."



## THE ELECTION OF CANADA TO THE LEAGUE OF NATIONS COUNCIL IN 1927

BY F. H. SOWARD

For the political scientist the constitutional position of the Council of the League of Nations offers a thorny problem. In general the Assembly and Council are each empowered to deal "with any matter within the sphere of action of the League or affecting the peace of the world."<sup>1</sup> But in addition the Council is assigned special duties by Articles 6, 7, 8, 10, 14, 15, 16 and 24 of the Covenant and by the Treaties of Versailles, St. Germain, Trianon and Neuilly.<sup>2</sup> The First Assembly tried to delimit the powers of Assembly and Council but it must be admitted that the report<sup>3</sup> presented to the Committee on General Organization by M. Viviani and Mr. Rowell was almost a confession of failure. They rejected comparisons with First and Second Chambers or legislative and executive bodies and added "the truth is that the League offers no analogy in constitutional law." The most recent League publication on the organization of the League contents itself with describing the Council as "a semi-permanent organ of the Assembly."<sup>4</sup> Undeterred by its anomalous position, however, the Council has steadily grown in prestige and moral authority until election to it is keenly coveted by any state. It is the purpose of this article to trace the steps which led to the election of Canada to the Council at the Eighth Assembly. No finer compliment to the growing importance of Canada in international affairs has yet been paid to our nation, a compliment coming appropriately enough, in the year of our Jubilee of Confederation.

In 1918 most of the statesmen and legalists who drafted various plans for a League of Nations were generally agreed that there must be a special committee or Conference at which the Great Powers would be able to exert their proper influence without irritating interruptions from small states, jealously conscious of their theoretical equality with their mightier confreres. Lord Robert Cecil, in his first and second drafts of a constitution for the League, favoured a Council composed exclusively of the great Powers, and frankly remarked to an American colleague at the Peace Conference that he thought "that the Great Powers must run the League and it was just as well to recognize it flatly at the outset."<sup>5</sup> As might be expected, General Smuts was more sympathetic to the rights of small nations and in his famous pamphlet, "The League of Nations, A Practical Suggestion,"<sup>6</sup> proposed that the Council should consist of representatives from the Great Powers and in addition two delegates each from panels of "middle Powers" and "minor States." The Great Powers should have a majority of one.

<sup>1</sup> Article 3, Para. 3 and 4, Para. 4 of the Covenant.

<sup>2</sup> As in Articles 48 and 213 of the Treaty of Versailles, Article 159 of Treaty of St. Germain, Article 60 of the Treaty of Trianon, Article 104 of the Treaty of Neuilly, Etc.

<sup>3</sup> Assembly Document 159/20/48/159/1.

<sup>4</sup> *The Aims and Organisation of the League of Nations*, p. 23. (The Secretariat, Geneva, 1929).

<sup>5</sup> David Hunter Miller, *The Drafting of the Covenant*. Vol. 1, p. 53. (New York, 1928).

<sup>6</sup> Miller, *op. cit.* vol. 2, Doc. 5.

The Cecil plan is given in Vol. 2 of Miller, Document 6.



President Wilson, whose first draft of the Covenant entirely omitted any reference to a Council,<sup>7</sup> was much impressed by Smuts' pamphlet and included the whole of his Council Scheme in the Second Draft of the Covenant.<sup>8</sup> When the American delegation arrived in Paris, David Hunter Miller discussed with Lord Robert Cecil and Cecil Hurst, the respective plans of the two countries. The result was the famous Hurst-Miller draft<sup>9</sup> which dropped the Smuts' suggestion and substituted for it a plan for a Council composed of the Great Powers to which any state was to be added when its interests were under discussion. It was also suggested rather vaguely that "the Council may at any time co-opt additional members."

At the first session of the League of Nations Commission it was decided to make the Hurst-Miller draft of the Covenant the basis for discussion,<sup>10</sup> although until the last minute Wilson had intended to use his fourth draft<sup>11</sup> which retained the Smuts' plan for the Council. It soon became very clear that the representatives of the smaller states on the Commission<sup>12</sup> would oppose the preferential position of the Council even to the extent of threatening not to join the League if the scheme went through.<sup>13</sup> As the historian of the Conference has said it, "the problem of 'equality of states' was raised in its acutest form."<sup>14</sup>

Lord Robert fought hard for the supremacy of the Great Powers but he had only luke-warm support from President Wilson and both France and Italy showed sympathy with the small nations who presented a united front.<sup>15</sup> He finally surrendered and after long debate it was agreed that the Principal Allied and Associated Powers<sup>16</sup> should hold permanent seats on the Council while there should be four non-permanent members to be selected by the Assembly. It was also agreed that any state should be invited to the Council when matters affecting it were under debate and that the Council might later be enlarged in membership if approved by a majority of the Assembly.<sup>17</sup> Until the Assembly should meet, Belgium, Brazil, Greece and Spain were to act on the Council. The choice of Belgium was an obvious tribute to that country for her war effort and a consolation for her failure to secure Brussels as the seat of the League. Spain was the largest of the neutrals, while Brazil was the largest of the Latin American states. Greece was in good standing through the personal prestige of Venizelos. The presence of Japan on the Council was thought adequate representation for Asia although the American delegation favoured the claims of China.<sup>18</sup>

During the debates of the Commission the possibility of the Dominions securing or desiring a Council seat did not seem to have been specifically

<sup>7</sup> It was first published in Ray Stannard Baker, *Woodrow Wilson and the World Settlement*. Vol. 3, Doc. 10. (New York, 1923).

<sup>8</sup> Miller, op. cit. vol. 2, doc. 7.

<sup>9</sup> Ibid. Docs. 12 and 13.

<sup>10</sup> The French and Italian governments later presented draft plans (Miller, op. cit. vol. 2, docs. 19/20/21) which were much less complete. The Italians proposed to include in the Council four members elected by all League members.

<sup>11</sup> Miller, op. cit. vol. 2, doc. 14.

<sup>12</sup> The smaller states were represented at first by five members and later by nine, as compared to the ten delegates from the five Great Powers.

<sup>13</sup> C. Howard-Ellis, *The Origin, Structure and Working of the League of Nations*. P. 90 (London, 1928).

<sup>14</sup> H. V. Temperley, *History of the Peace Conference of Paris*. Vol. 2, L. 27 (London, 1920).

<sup>15</sup> Florence Wilson, *The Origins of the League Covenant*, pp. 32-37. (London, 1928).

<sup>16</sup> This is the only place in the Covenant where the phrase is used.

<sup>17</sup> Article 4 of the Covenant, Para. 1 and 2. Professor Rappard thinks it was probably the Neutrals who secured the provision for expanding the Council. Rappard, *The Evolution of the League of Nations, Problems of Peace*, Second Series. P. 9 (London, 1923).

<sup>18</sup> Miller, op. cit. vol. 1, p. 477.

Howard-Ellis, op. cit. p. 139.

discussed. Wilson had opposed their representation at the Peace Conference but once he had given way on that point he did not think it fair to protest at their separate membership in the League.<sup>19</sup>

It was only while the Covenant was being put in its final form for the printer that the British delegation discovered a possible Ethiopian in the wood-pile. Lord Robert Cecil pointed out to David Hunter Miller, who was supervising the printing of the English version, that the working of the Covenant as approved by the Commission, only provided for the election of "states" to the Council and did not employ in Article 4 the usual expression "members of the League." Such phraseology, it was feared would bar the Dominions from election to the Council. Mr. Miller tells us in his masterly treatise on the drafting of the Covenant that he felt the use of the word "State" in Article 4 was "a clear and definite limitation,"<sup>20</sup> and he did not feel free to change the wording of the Article on his own initiative. He consulted Colonel House who approved of his position and told him that, personally he was opposed to Dominion representation on the Council.<sup>21</sup> Consequently, in a letter dated April 27, 1919, Mr. Miller refused the British request on the ground that "it was the intention of the Commission to exclude the Dominions and colonies from such representation." President Wilson, in company with Colonel House, supported his view.<sup>22</sup> Lord Robert was very much disturbed by this denouement and told Colonel House that "the Dominions felt they were being discriminated against, although they did not expect to be in the Council and did not want to be."<sup>23</sup> President Wilson was so impressed by the feeling of the Dominions that he changed his opinions<sup>24</sup> and supported a British memorandum circulated among the delegates requesting approval of the desired change. As a result permission was secured, though at the French insistence the word "state" was retained in Articles 8 and 6.<sup>25</sup> The episode left rather a bad impression among the Dominion delegates and led to Sir Robert Borden bestirring himself to secure the famous memorandum from the Big Three on May 6, which unequivocally recognized the right of the Dominions to election to the League Council.<sup>26</sup> Only Sir Robert can tell us if at that time he foresaw the day when Canada would present her candidature for the Council to her fellow-members, but in 1919, as at the Imperial War Conference of 1917, Canada's War-Time Prime Minister paved the way for the future growth in importance of his country.

The smaller states did not feel perfectly satisfied with their victory at the Peace Conference and showed at the early sessions of the Assembly, a tendency to watch the Council and the Great Powers very closely. The first President of the Assembly, M. Hymans, of Belgium, was careful to emphasize the equality of states as "one of the features of this Assembly"<sup>27</sup> in his closing address. The chief Argentine delegate presented a motion endorsing the principle of the election of all Council mem-

<sup>19</sup> Baker, op. cit. vol. 1, p. 284.

Miller hints (Vol. 1, p. 492) that "probably some of the British representatives" regretted the developments.

<sup>20</sup> Miller, op. cit. vol. 1, p. 479.

<sup>21</sup> Ibid p. 480. House had also opposed a suggestion to make Newfoundland a member of the League. (Miller op. cit. vol. 1, p. 477.)

<sup>22</sup> Miller, op. cit. vol. 1, p. 481.

<sup>23</sup> Ibid p. 481.

<sup>24</sup> Sir Robert Borden has paid tribute to Wilson's "consistently considerate attitude towards the Dominions" in his "*Canada in the Commonwealth*," p. 109. (London, 1929).

<sup>25</sup> Miller, op. cit. vol. 2, doc. 31.

<sup>26</sup> Borden, op. cit. p. 112.

<sup>27</sup> Quoted in "*The First Assembly of the League of Nations*," p. 11. (World Peace Foundation Vol. IV, No. 1, Boston 1921).



bers and, as we have seen, attempts were made to define the powers of Council and Assembly. On the other hand, the Assembly re-elected without serious opposition, the states named at the Peace Conference, as temporary Council members until the Assembly had met, with the single exception of Greece since the fall of Venizelos "devenue pour l'Entente persona ingrata."<sup>28</sup> China replaced Greece.<sup>29</sup> In the eyes of a French enthusiast for the League the Council remained somewhat akin to the Holy Alliance, "democratic in name but conservative and authoritarian in practice."<sup>30</sup>

The question of membership in the Council remained a perennial source of difficulty in the Assembly until the explosion of 1926. This was natural since it involved the relations of the Great and Small Powers, the ambitions of middle states to reach the dignity of a permanent seat on the Council<sup>31</sup> and the jealous desire of the small states to secure a rotation of office on the Council for at least the temporary members. In 1921 the temporary members of the Council were re-elected but an amendment was adopted to Article 4 of the Covenant which gave the Assembly the power to fix by a two-thirds majority the rules "dealing with the election of the non-permanent members of the Council and particularly such regulations as relate to their term of office and the conditions of re-eligibility." As amendments require the consent of all Council members this amendment did not come into effect until 1926, owing to its non-ratification till that date by Spain and France.<sup>32</sup> The Third Assembly enlarged in 1922, the number of non-permanent members to six, with only Holland dissenting, and did so with the Council prompting the step. This change of heart on the part of the larger powers seems to indicate a realization that the presence of small powers on the Council, especially if they became satellite states, was an aid rather than a hindrance, provided the process did not go too far. Mr. Howard-Ellis, a close observer of Geneva politics suggests that the increase was "due to the Spanish objection to introducing the system of rotation. . . ., to Allied (particularly French unwillingness to drop any of their smaller clients from the Council, to the desire of part of the Assembly to see an "ex-neutral" on the Council and to the craving of the South Americans for more seats."<sup>33</sup> In filling the six temporary seats the Assembly re-elected three of the previous members, dropping China because of her internal difficulties. The new Council members were Czecho-Slovakia, Sweden and Uruguay, the Little Entente thus gaining a spokesman and Latin America asserting its numerical strength. A resolution was also approved unanimously and reiterated in 1923, 1924 and 1925, that in electing temporary members the choice should be made with "due consideration for the main geographical divisions of the world, the great ethnical groups, the different religious traditions, the various types of civilization and the chief sources of wealth."

<sup>28</sup> Georges Scelle, *La Société des Nations à Genève—Les Débuts de son Evolution*, Revue Politique et Parlementaire. Vol. 106 (1921) p. 347.

<sup>29</sup> Geographic considerations led to the choice of China. Cf. Arnold J. Toynbee, *Survey of International Affairs*, 1926. P. 12. (London, 1928).

<sup>30</sup> Georges Scelle, *De Genève à Washington*. Revue Politique et Parlementaire. Vol. 109 (1921) p. 169.

<sup>31</sup> In 1919 Spain had presented to the Peace Conference a claim to a "special situation" on the Council (Toynbee, op. cit. p. 22) and in 1921 a request for a permanent seat had been endorsed by Britain (*The Seventh Year Book of the League of Nations*. P. 145, World Peace Foundation, Vol. 10. Nos. 2 and 3).

In the same year a Chilean delegate had presented her claim and that of Brazil without success.

<sup>32</sup> The Spanish action was due to the failure to receive a permanent seat while France was probably aiding her ally Belgium.

<sup>33</sup> Howard-Ellis, op. cit. p. 140.



From 1922 until 1926 no change took place in the Council membership, although there was considerable dissatisfaction at the lack of rotation of office and the tendency of elected members to cling limpet-like to their positions. The failure of some Council members to ratify the amendment to Article 4 was also the cause of soreness among the smaller states. This feeling was expressed in a resolution presented by a Venezuelan delegate to the Assembly of 1925 and adopted unanimously by it.<sup>34</sup> "The Assembly, noting that the non-permanent part of the Council at present in office has been re-elected for a year, considers the meaning of this re-election to be that it is subject to the non-permanent part of the Council being renewed as from the election of 1926 by application of the principle of rotation."<sup>35</sup>

When the Council called an extraordinary session of the Assembly in March, 1926, to admit Germany to the League the long pent up feelings burst out in a dramatic and unfortunate fashion which involved the League in considerable discredit. Germany had made it clear that, in entering the League, she expected a permanent seat on the Council in virtue of her rank as a Great Power. This was in accordance with Paragraphs One and Two of Article 4 of the Covenant which, as Mr. Toynbee has tersely put it "show clearly that the intention was essentially to assign permanent seats on the Council to the Great Powers, all the Great Powers and none but the Great Powers."<sup>36</sup> But middle states like Brazil, Poland and Spain felt that they too, should receive recognition as permanent members of the Council and assiduously cultivated, with considerable success, the good graces of the Great Powers. China joined in the struggle for preferment, on general principles, and the resulting clash of ambitions led to the collapse of the Extraordinary Assembly<sup>37</sup> and the temporary postponement of the entrance of Germany into the League. The members of the Council atoned for their sins as much as possible by creating a special committee to recommend changes in the composition of the Council which included delegates from the ten Council members and from Germany, Argentine,<sup>38</sup> Poland, China and Switzerland. Ironically enough, in view of his attitude in 1918, it fell to the lot of Lord Cecil to take the lead in drafting a plan for enlarging the Council which it was hoped would meet the claims of Spain, Brazil and Poland. His original plan provided for an increase of non-permanent Council members to nine. These should serve three years, one-third retiring each year. A retiring member might stand for re-election if he secured a two-thirds majority of re-eligibility from the Assembly but not more than three members of the Council could receive the privilege at any one time. It was understood that election should still further recognize geographical and other considerations and that three of the nine seats should be the perquisite of Latin America.<sup>39</sup>

The Committee had not openly rejected the creation of permanent seats for the middle powers in their discussions but it was obvious that they did not intend to satisfy the desires of these states. Accordingly Spain and Brazil gave during the summer the necessary two years' notice

<sup>34</sup> Spain did not vote.

<sup>35</sup> *Journal of the Sixth Session of the Assembly*, Saturday, September 26th, 1925.

<sup>36</sup> Toynbee, op. cit. P. 10.

<sup>37</sup> Good accounts of this controversy are to be found in Toynbee, op. cit. Part 1A, Sect. 1; *The Seventh Year Book of the League of Nations*. Op. cit. and William E. Rappard, *Germany at Geneva, Foreign Affairs*. Vol. 4 (New York, 1926).

<sup>38</sup> The selection of Argentine, absent from Assembly since 1920, was significant and was probably meant as a reproach to Brazil.

<sup>39</sup> Report of the First Session of the Committee on the composition of the Council. (League of Nations Document C. 299. M. 139, 1926, V.)

of withdrawal from the League, the most convincing proof of their dissatisfaction.<sup>40</sup> Before leaving Spain ratified the amendment to Article 4 previously referred to.<sup>41</sup> As France had also done so a short time before, the way was clear for the Assembly to act as it wished on the composition of the Council. In the second session of the Committee it was definitely stated that only Germany was to receive a permanent seat at the September Assembly.

The Seventh Assembly adopted the recommendations of the Committee with one important addition, though some of the states sharply questioned the wisdom of increasing the number of Council and pointed out that the withdrawal of Spain and Brazil had removed the principal motive for creating extra seats. There were complaints that the Council was "railroading" the measure through and the usual utopian desire that the invidious distinction between permanent and non-permanent seats should be abolished.<sup>42</sup>

The important addition to the scheme was a clause, which Lord Cecil had favoured in the Committee, giving the Assembly the right at any time to decide by a two-thirds majority to proceed to a new election of all the non-permanent members. This provision makes impossible in future the repetition of the procedure by which Brazil had held up the March Assembly. For the first elections it was necessary that only three states should secure a full three year term, and that three should receive a two year term and three a one year term to bring the scheme into proper working.

The elections were extremely interesting and keenly contested. No less than seventeen states were voted upon for the nine seats, four from Latin America,<sup>43</sup> three from Asia, nine from Europe and two from British Dominions, the Irish Free State and Canada. Canada had not been a candidate but was given two complimentary votes. Sir George Foster, in a speech to the Assembly the day before the elections, was careful to emphasize the fact that "Canada was making no claim for a seat on the Council but she considered it pertinent to point out that she had equal rights to representation on the Council with all the other fifty-six members of the League."<sup>44</sup> The Irish candidature was unexpected and was said to have been launched without instructions from Dublin.<sup>45</sup> A French writer claims that it was displeasing to Sir Austen Chamberlain which would not have been entirely surprising.<sup>46</sup> Nevertheless, Ireland secured ten votes ranking thirteenth on the list. The successful members were Poland,<sup>47</sup> Rumania and Chile for three years, Holland, Colombia and China for two years, Belgium, Salvador and Czecho-Slovakia for one year.

<sup>40</sup> Spain withdrew her resignation in 1928 and was elected to the Council at the Ninth Assembly receiving also a certificate of re-eligibility.

<sup>41</sup> See above p. 32.

<sup>42</sup> Professor Rappard makes the interesting suggestion that all Council members should be elected with a number of candidates equal to the number of the Great Powers considered to be indefinitely re-eligible.

Cf. Rappard, *"The Evolution of the League of Nations."* Op. cit. p. 16.

<sup>43</sup> There was some dissension among the Latin American States at their usual Caucus before the election. Cf. The Communication from the Uruguayan Delegation, read to the Assembly after the Council elections.

*Journal of the Seventh Ordinary Session of the Assembly*, September 17, 1926.

<sup>44</sup> *Journal of the Seventh Ordinary Session of the Assembly*, September 16, 1926.

<sup>45</sup> Arnold J. Toynbee, *The Conduct of British Empire Foreign Relations since the Peace Settlement*. P. 58. (London 1928) quoting the Times of Sept. 17, 1926.

<sup>46</sup> Georges Scelle, *Le Bilan de la Septième Assemblée de la Société des Nations*. Revue Politique et Parlementaire. Vol. 129, (1926), p. 81.

<sup>47</sup> Poland was also given a declaration of re-eligibility, obviously as a recompense for not receiving a permanent seat.



When the Ninth Assembly held its Council elections in 1927, the elections were now on a normal basis as only three candidates were to be chosen, each to receive a three year term. The elections were marked by three features, the refusal to give Belgium the right to stand for re-election under the re-eligibility clause, the election of three states never before on the Council and the successful candidature of Canada.

Belgium had served on the Council since the very beginning, was a Locarno Power and persona gratissima with the Great Powers, who backed her request for a declaration of re-eligibility at the Seventh Assembly.<sup>48</sup> It was thought that she was certain of re-election<sup>49</sup> but when the vote was taken she received twenty-nine votes out of forty-eight cast, thus failing by three votes. The defeat was generally considered to have been meant as a vindication of the principle of rotation and as a rebuff to the influence of the Great Powers who, as it will be remembered, were rather in disgrace at the Assembly because of their "hotel conversations."<sup>50</sup> The selection of three new members was a further indication of the determination of the Assembly to escape from the old habit of leaving the positions of prestige to a favoured few, even though it involved a temporary sacrifice of efficiency.

The election of Canada was far from being a "walk-over" and deserves careful examination. Besides Belgium, whose elimination undoubtedly released votes for the election from which Canada would benefit with the others, several states were in the running. The Persian delegates planned to make the attempt as they had done in 1926, but the presence of China on the Council was an obstacle to their ambitions and they withdrew from the race, contenting themselves with reading a formal statement before the election explaining why Persia should be on the Council.<sup>51</sup> Both Portugal and Finland were again contesting the elections and Finland had the support of the Scandanavian bloc and was respected because of her stability and rejection of Soviet overtures.<sup>52</sup> The candidature of Portugal was not so important in view of the instability of the government of that country. The most formidable contestant was Cuba who was certain to secure one of the three seats in view of the unwritten agreement that there should be three Latin American seats in the Council.<sup>53</sup>

Her leading delegate M. Aguero y Bethancourt was known in Geneva as the "Great Elector" "in view of his activities in the lobbies in rounding up the Latin American vote."<sup>54</sup> The last serious contestant was Greece represented by Nicholas Politis, an able international lawyer who worked with M. Benes in drafting the Protocol of Geneva of 1924 and was Ambas-

<sup>48</sup> She had been elected for a one year term in 1926. All observers agree that the Great Powers supported her.

<sup>49</sup> According to the Times Special Correspondent, one of her delegates claimed she was promised 38 votes.

<sup>50</sup> Nansen was said to have lead the opposition to Belgium. Cf. *The Times Weekly Edition*, Sept. 22, 1927.

<sup>51</sup> *The Times Weekly Edition*, September 22, 1927. Persia was elected to the Council in 1928 when China had to step down.

<sup>52</sup> This is the view of Georges Scelle. Cf. *La Huitième Assemblée de la Société des Nations*, *Revue Politique et Parlementaire*. Vol. 133, 1927), p. 102.

<sup>53</sup> It is difficult to understand the Latin American influence at Geneva in view of their general attitude and when so many of these states do not attend Geneva. In 1927, for example, 12 were present and 5 absent.

Cf. Percy Alvin, *Latin America and the League of Nations*, *Political Science Quarterly*, Vol. 20, (1926); Don Augustin Edwards (Of Chile), "*Latin America and the League of Nations*," *Journal of the Royal Institute of International Affairs*, March 1929; Howard-Ellis, op. cit. pp. 104, 105, 133.

<sup>54</sup> Howard-Ellis, op. cit. p. 150.

It was charged that in 1926, Cuba had not stood for election because of opposition from the United States, but this was denied. Cf. *Cuba and the Platt Amendment*, *Foreign Policy Information Service*, April 17, 1929. Vol. 5, No. 3, p. 61 ff.



sador of Greece at Paris. He was in close touch with the Little Entente and in favour with France but he seems to have spoiled his chances by being over-eager for the favour of the Great Powers. His speech in the Assembly, in which he modified considerably his enthusiasm for the Protocol as feasible in the near future, was resented by several delegates to judge from the criticism it received in the speeches of orators who followed him.

The Canadian candidature was not the subject of popular interest or demand in Canada before our delegates left for Geneva. Not even the most ardent nationalist had urged that Canada should so demonstrate her increased importance in world affairs. The Ottawa correspondent of the Times hints that the candidature was due to the initiative of French-Canadian members of the Cabinet and this would seem quite possible in view of the activities of Senator Dandurand and M. Lapointe.<sup>55</sup> According to Sir Herbert Ames, Senator Dandurand did not have the authorization of the Canadian government prior to his arrival in Geneva.<sup>56</sup> Shortly after his arrival he was visited by M. Lange of Norway who urged that Canada should contest the elections and stated that he thought the Scandinavian states and Germany would probably vote for her.<sup>57</sup>

When Senator Dandurand arrived at his hotel he found there instructions from Ottawa to make an attempt to secure the election of Canada, if he thought conditions were favourable. His first step was to secure the consent and support of the British Empire delegates which was readily afforded in the hope that Canada might blaze a way for the others.<sup>58</sup> The Canadian delegation made no attempt to bargain for votes.<sup>59</sup> and had the satisfaction of seeing Canada secure third place in the elections. In the voting Cuba secured forty votes, Finland thirty-three, and Canada twenty-six, twenty-five votes being required to secure a majority. Greece was given twenty-three votes and Portugal sixteen while scattered votes went to Uruguay, Denmark, Siam, Switzerland and Hayti.

What are the factors which led to the election of Canada? For it should be remembered that Canada secured a seat at the expense of a European candidate<sup>60</sup> and had to face the natural dislike of Continentals of seeing two representatives from the same Empire sitting on the Council. It should not be forgotten as well, that Sir Austen Chamberlain, while respected, was not loved in Geneva after his famous speech of September 11th which killed the hopes of reviving the Protocol. Much of what is said here in explanation is based upon surmise<sup>61</sup> and comment in Geneva and European capitals at the time, but it should be noted.

<sup>55</sup> The Times, Sept. 15, 1927. Mr. Toynbee is rather critical of the Government for its action in this connection.

Cf. *The Conduct of the British Empire Foreign Relations since the Peace Settlement*. P. 60.

<sup>56</sup> Sir Herbert Ames, *Canada and the Council*, The Bulletin of the League of Nations Society in Canada. January 1928. P. 5. Sir Herbert was treasurer of the League of Nations from 1919 to 1926, a delegate from Canada to the League Assembly in 1926 and in close touch with the Canadian delegation in 1927. He says that several states urged Canada to stand for election in 1926 and that the Canadian delegation reported favourably upon this suggestion when they returned to Ottawa.

<sup>57</sup> This would mean seven or eight votes. The writer was informed of this by Sir Herbert Ames. Senator Dandurand has since informed me that M. Lange's overtures came after his speech in the Assembly which pleased the Scandinavians by its liberal attitude towards the Geneva Protocol.

<sup>58</sup> There are contrary views as to the attitude of Sir Austen Chamberlain. The Times Correspondent says he welcomed the election "whole heartedly". (Times Weekly Edition, September 22nd, 1927). But M. Pinon in the *Revue des Deux Mondes*. Vol. 141 (1927) p. 715 declares that Sir Austen was not keen on the proposal.

<sup>59</sup> Ames, op. cit. p. 5.

<sup>60</sup> Mr. Toynbee suggests in his *Conduct of British Empire Foreign Relations since the Peace Settlement* pp. 59-60, that Canada was competing against Cuba for an American seat on the Council but this can hardly be the case as these seats were regarded as Latin American seats and Canada had never worked with these states.

<sup>61</sup> The writer has had conversations and correspondence with members of the League Secretariat upon this point but the name of his informants, for obvious reasons, cannot be quoted.

Without question, the personality of Senator Dandurand was a factor which materially assisted towards our success. One French observer went so far as to attribute it almost entirely to him.<sup>62</sup> A delegate to three Assemblies, the only British delegate who has been elected President of the Assembly (1925), a master of both English and French, he was well-known and liked in Geneva. At the opening of the Assembly Senator Dandurand had been elected Chairman of the Second Committee and was consequently well in the public eye. His speech to the Assembly on September 12th was described by Mr. Wickham Steed as "the most helpful British speech yet delivered,"<sup>63</sup> and pleased the delegates by its liberal tone in contrast to the cautious admonitions of Sir Austen. Senator Dandurand showed a much more generous attitude towards arbitration and the compulsory jurisdiction of the Permanent Court of International Justice than did the British Foreign Secretary and also made an important reference to minorities that did not pass unnoticed among the ex-enemy states. After emphasizing the difficulty of the problem and his own position as a member of a minority, Senator Dandurand declared "it was the highest expression of civilization for a government to make a minority forget that it was a minority."<sup>64</sup> *The Frankfurter Zeitung*, in commenting on the Council elections declared that Canada owed her election to this recognition of the minorities problem.<sup>65</sup>

It is believed that the contrast between the British and Canadian speeches at the Assembly induced some delegates to vote for the election of Canada in the impish hope that her presence on the Council might embarrass British policy and in the belief that it might heighten the interest of the Dominions in international problems. Canada was also valued as a "neutral" state which could play a valuable part on the Council by increasing the scanty number of states whose impartiality in European affairs was obviously more possible than for those continental members with embarrassing commitments. With no grievances for which she sought redress, with no lost subjects to plead for, with no boundary dispute to cause a guilty conscience or a troubled spirit, Canada could be expected to furnish delegates who could act as rapporteurs on controversial problems for which it is customary to choose a rapporteur who is free from bias as far as possible. Her stable government was also a factor in her favour that should not be overlooked. Lastly, Canada was naturally recognized to be in close touch with the United States and in sympathy with some of the motives underlying American policy.<sup>66</sup> With the aid of her Embassy at Washington she could act as a liaison officer between Washington and Geneva and "interpret" the American point of view as in the past she has done at the Imperial Conferences. Thus the *Manchester Guardian* said that the election of Canada expressed the desire of the Assembly to choose a "North American Anglo-Saxon country" which could be "a direct mouth-piece of the Great Republic that holds so obstinately aloof."<sup>67</sup>

62 Pierre de Querielle *L'Esprit International à Genève*, Le Correspondant. Vol. 309 (1927) p. 199.

63 The Observer, September 18, 1927.

64 *Journal of the Eighth Ordinary Session of the Assembly*. Tuesday, September 13, 1927.

65 Quoted in the Round Table, *Germany and Geneva*. Vol. 18 (1927-1928) p. 16.

Senator Dandurand has since shown his sincerity on this question by bringing the position of minorities before the Council in March 1929 and offering concrete suggestions for improvement.

66 C. f. The Canadian position on Article 10 of the Covenant.

67 The Manchester Guardian Weekly September 23, 1927.



The success of Canada was generally received favourably throughout Europe and the Empire<sup>68</sup> and was almost universally regarded as a clear-cut recognition by the rest of the world of the changed position of the Dominions as defined at the last Imperial Conference. As the Canadian Prime Minister said, "it showed a definite recognition of Canada's individuality as a nation."<sup>69</sup>

In Paris, M. René Pinon, the political editor of the *Revue des Deux Mondes*, thought that in general, Canada would side with Great Britain on League issues but would not hesitate to take an independent line on some questions.<sup>70</sup> H. Wilson Harris in a special article contributed to the liberal weekly, *L'Europe Nouvelle*, summed up his conclusions in the statement, "She (Canada) is far enough away geographically to have the point of view of a deliberate observer, she is near enough spiritually to view European problems sympathetically."<sup>71</sup> It is true that M. Georges Scelle was dissatisfied, since he feared that Canada would reinforce "the Anglo-Saxon influence exercised at present for obstruction" but he consoled himself with the reflection that it might pave the way for "an entire rapprochement with the United States."<sup>72</sup>

Canada has still (May, 1929) almost fifteen months of service on the Council and we should watch with interest her future policies at League conferences. Since the election there have been indications of our wider appreciation of the honour paid us. The presence of the Canadian Prime Minister at the Eighth Assembly with a notably strong delegation and the speech he delivered during its debates were good auguries for the future. The announcement during the debates in Ottawa on the Peace Pact of Paris, that the Canadian government has circularised the other members of the British Commonwealth regarding the adherence of Canada to the optional clause of the statutes of the Permanent Court of International Justice was another straw in the wind.<sup>73</sup> The recent advocacy of the cause of Minorities at the March Council meeting was also significant. We are coming of age in international affairs and may be expected to play an increasingly important role in the struggle for peace and co-operation.

<sup>68</sup> The *Spectator*, Vol. 139 (1927) p. 142, devoted a leader to it and *L'Europe Nouvelle* secured a special article from H. Wilson Harris, the English journalist and League enthusiast, for its issue of September 24, 1927.

The *New York Times* of September 16th published a special article by Wythe Williams.  
<sup>69</sup> Mr. MacKenzie King's statement to the Press, September 19, 1927. In his statement the Prime Minister quoted as "especially pleasing and noteworthy" the remark of the *London Times*, "There could have been no more emphatic international affirmation of that historical definition of British Imperial relations which was given at the last Imperial Conference."

<sup>70</sup> René Pinon, *Chronique de la Quinzaine*, *Revue des Deux Mondes*, Vol. 141, 1927) p. 715.

<sup>71</sup> H. Wilson Harris, *Le Canada au Conseil de la Société des Nations*, *L'Europe Nouvelle*, September 27, 1927.

<sup>72</sup> Georges Scelle, *La Huitième Assemblée de la Société des Nations*, *Revue Politique et Parlementaire*, Vol 133 (1927) p. 103.

<sup>73</sup> *House of Commons Debates*, February 19th, 1929.



## CONDITION OF PUBLIC RECORDS IN THE MARITIME PROVINCES

By W. C. MILNER

Relics of the Micmac and Melicite Indians, the original Acadians, once numerous, are becoming very rare and difficult to procure. No official attempt has hitherto been made to collect such evidences of past times, which would prove of educative value. Much in the lapse of time has been destroyed; much has been sold to collectors for American museums and libraries. Many years ago, a gentleman on the South Shore of Nova Scotia assembled a large mass of Indian relics, which at his death were sold to the Museum of the American Indian—Hege Foundation, New York.

Dr. Silas Rand, the Micmac missionary, formed a written language for that tribe. His dictionary, grammar, poems and Indian legends, mark him as one of the most original investigators and writers in Canada.

None of the three counties of P. E. Island have Municipal Councils; their business is all done by the Provincial Legislature, which is the only depository of public records. It has suffered twice by depletion. In 1776, two American Privateers sailed into Charlottetown Harbour and made a sudden incursion on the town. They arrested Attorney-General Callbeck, who was acting Governor, and Mr. Wright, Surveyor-General, and plundered the place taking all that was portable and of any value, including the public records. Returning to Cambridge, Mass., General Washington ordered the discharge of the two officials as well as the restoration of the property. The public records were not returned and it is supposed they were dropped overboard as of no value. Ten years ago the Public Archives sent a representative to Massachusetts to search for these records but it was unsuccessful.

In late years quite a number of individuals have essayed writing a history of the Island and some one or more of them have had access to the vault in the Assembly Building where the records were stored. Books and documents once borrowed are sometimes not returned and if retained long enough become the personal property of the borrower—possession being nine points in the law. The Province in losing possession of a large part of the public records by loan has lost its ownership. No administration has sought to recover them. In the valuable history of P. E. Island issued by the late Judge Warburton, he states the work of writing a history of that Province was made more difficult by not finding documents in the place where they ought to be.

Nova Scotia rivals Quebec in its wealth of historical material. As the Maritime Provinces were chiefly settled by Loyalists and Pre-Loyalists from New England, a family relationship exists between the two countries and as a great number of historical societies have been established through New England that give expression to that sentiment, there is naturally a demand there for ancient records and relics from the Maritimes. Quite a business has existed between the old farm houses in the Maritimes and these customers in the old colonies, which has greatly reduced the stock of records and relics. The local government have manifested no interest in checking this traffic in our national assets. About

twenty years ago, the Dominion Archives instituted a crusade against the traffic, which has been somewhat successful, but the historical societies of Massachusetts have come into possession of many thousands of original documents bearing on the movements in Acadia. In addition to these losses many private collections have been scattered or destroyed by fire. Haliburton's (Sam Slick) papers were stored in a building in Barrington Street, Halifax, which was burned with its contents. The papers of Hon. Wm. Crane, Sackville, a very prominent public man, were burned. None of the public correspondence of the Fathers of Confederation are available with the exception of half a dozen volumes of Sir Charles Tupper's, now in the Archives, Ottawa.

The records of the Provincial Government relate to three periods:—

1st. When Acadia was governed by French officials—from 1632 to 1712, 81 years.

2nd. When it was under British rule at Annapolis Royal from 1712 to 1749.

3rd. The modern period after settlement of Halifax by Cornwallis.

Joseph Howe, realizing the value of the historical documents under government control, secured an act of Assembly in 1857 to create a Record Commission. Under that act, a scholarly and painstaking student—Dr. Atkins—was appointed Commissioner of Public Records. His labors were monumental. He prepared and published a volume of 750 pages, of despatches, orders, letters, etc. More than one-half was devoted to documents relating to the Acadian French (1714-1755).

1. These embrace the correspondence of Governors Caulfield, Phillips, Armstrong and Mascarene at Annapolis Royal, and Edward Cornwallis and Charles Lawrence at Halifax, correspondence of the Priest Le Loutre, etc., etc.

2. Papers relating to the alleged encroachment of the French in Nova Scotia (1749-1756) and the war in North America, called the Seven Years War (1754-1761).

3. Papers relating to the first settlement of Halifax (1749-1756).

4. Papers relating to the first establishment of a representative Assembly (1755-1761).

In 1905, the Government determined on publishing another selection of documents for which work Dr. Archibald MacMechan was appointed. It was published in 1906. It contained the Governor's Letter Books (1713-17) and (1719-42) and the Commission Book (1720-1742). A third volume was published in 1908, containing the original minutes of the Council at Annapolis Royal (1720-1739). These volumes contained side references and were thoroughly indexed.

Dr. Atkins made a catalogue of books in the government collection. They consisted of 473 volumes, exclusive of 60 or 70 grant books. He also left 61 boxes of papers.

Dr. Atkins also catalogued manuscript documents dated between 1748 and 1841, 8 volumes, containing 1,108 documents. Volume 8 (1814-1816), 137 documents, is occupied with last American and Napoleonic Wars.

These are about 100 volumes of transcripts of documents made in England. Each volume is indexed but there is no general index of them. The letter books from the Governors to the Board of Trade are also individually indexed.



The sixty-one boxes contain a great variety of documents relating to the public business of the Province since 1749. The contents of each box was indexed by Dr. Atkins giving a fairly good idea of the contents.

About 1880, two copyists—Messrs. Tobin and Kingston—were employed in England in transcribing documents, but their services were discontinued about 1885.

Since Dr. Atkins' time a lot of military books and papers have been obtained by Mr. H. Piers, curator of the Provincial Museum, from the military authorities at Halifax. They embrace Dockyard Record books, 3 volumes; letter books of Royal Engineers, 57 volumes; plans and maps, 319 volumes; General and Garrison orders, 213 volumes. Total 1,128 volumes. These would be valuable in any military history of the Province, in connection with similar records in the Archives at Ottawa.

In addition is the Brown collection. It has a remarkable history. It was originally made by a Presbyterian minister, who took the documents with him when he sailed for England. They were lost in a shipwreck, but later on were found safe headed up in a barrel. They were dated from 1754 to 1777 and number 74 documents. They are bound in two volumes. The contents of some of these were well known to Dr. Atkins and published by him. Others were probably not. Some of these give important evidence as to the character and conduct of the Acadian French, especially on the ground of disloyalty to the British Crown, and, it is alleged, if published would greatly modify the hostile judgement passed on them. The Acadian Convention at Madawaska (1909) passed strong resolutions asking for their publication as a matter of fair play and justice, especially the letters of de Bouillon at Louisburg, in reply to the British authorities. It is hardly fair to neglect this request.

When the Loyalists landed on our shores and applied for free grants of settlement lands, they were as a rule required to apply by petition, stating their condition and the nature of their claims. They were also required to send with the Petition a plan of the lands asked for. These petitions were valuable for historic purposes, as they not only placed the petitioners but often gave an account of their sacrifices, losses and sufferings for their loyalty to King and country. Many thousands of these were sent to the authorities at Halifax. Upon investigating for them, the writer found that the Crown Land people had carefully separated the petitions from the plans. The latter are preserved while the petitions are missing: no doubt destroyed. Thus a vast amount of information respecting the first settlers in Nova Scotia had been forever lost. In New Brunswick these same petitions were found in an out-office in the Government buildings, Fredericton, apparently abandoned. The Dominion Archives obtained possession of them and indexed them by counties and calendared them. They form the basis of the history of every parish in the Province and are therefore both valuable and interesting. A section of the Atkins collection has lost somewhat its importance from the fact that the Ottawa Archives has received from the Imperial Government extensive accessions, amongst them being originals or copies of official despatches.

Some fourteen townships in Nova Scotia were formed by the immigration from New England in 1762-63-64, under the inducements offered in Governor Lawrence's proclamation. The newly arrived settlers called meetings of the grantees, organized township government and opened township record books. These are important as first things in settlement operations, but no attempt has been made by any administration to



collect and preserve them. Later, township government was superseded by the Courts of Sessions, formed by the Justices of the Peace of each county. These ruled in local affairs until 1880 when they in turn gave place to elective Municipal Councils. The records of the Courts of Sessions covering the period of a century are also astray—no administration having undertaken to have them deposited in a place of safety, where they could be utilized by students of history.

The Nova Scotia Historical Society organized in 1879 has published over a score of reports, all of them of much value and interest. While about 160 addresses have been delivered before the Society, not over one-half of them, it is to be regretted, have been preserved by the Society. It has never secured quarters of its own and the Legislature has consequently enacted that books, etc., donated shall be in the care of the Legislative librarian.

The New Brunswick Historical Society has not been so fortunate. Organized in 1874, it has also published reports all of them dealing with provincial or local affairs. In its early years, attempts were made to establish a library, much of which has disappeared owing to the Society not possessing a permanent abode of its own. The Courts of Sessions of New Brunswick gave place in 1878 to Municipal Councils. Representations were made to the Government as to the urgency of assuming control of the Sessions documents, without avail. When Mr. Rainsford, who had been Clerk of the Peace of York County, died, the records of York, Carleton, Sunbury and Madawaska were turned out on the Court House Square and burned. Thus the early history of four counties was lost. Neither the Government nor the Legislature took steps until this present year, 1929, to recognize the existence of the records of these Courts, when an Act was passed declaring the Government ownership of them, but no provision was made for either collecting them or placing them in a place of safety or guarding them from loss by fire or theft.

The successive administrations of New Brunswick have honestly earned a fine reputation for neglecting the official records of the Province. Masses of departmental correspondence and other documents and papers have been picked up in the country by the Dominion Archives. Sir Arthur H. Gordon, when Governor, removed from the Legislative building to Government House, 62 bulky volumes of despatches and other public documents to secure their safety from the legislators. When the Province was entering Confederation and Government House would be under provincial jurisdiction, the Governor communicated to the Colonial Secretary the insecurity of these records. The latter directed them to be shipped to England. This was done. Up to a recent date they have been housed in the Colonial Office. Dr. Doughty in his investigation in England discovered them and secured them. They are now stored in the Archives at Ottawa. Some 20 years of the Journals of the Assembly, dating from 1786, have within fifteen years been missing from the Assembly fyles, and no attempt has been made to recover them. The original election returns—some 500—bound up in books, have more recently disappeared.

The Provinces are indebted to the Dominion Archives for securing and preserving much of historic value. Collections made by the late Hon. J. W. Lawrence, Archdeacon Raymond, Col. Delancy Robinscn, Jonas Rowe, Wm. Jarvis, and others were secured. To shew the little attention given officially to the old records, an agent of the Archives retrieved from a cow stable a number of township books. The cows were encouraged to

ruminate on local history. Who shall say they did not imbibe as much as some of the politicians? The public documents, correspondence, speeches of Joseph Howe—14 cases—were also obtained from his son, the late Mr. Sydenham Howe. The Admiralty Reports—35 cases—that had been reposing for generations in the basement of the Court House, Halifax, adjacent to the coal bins, were also retrieved. They are valuable for the prizes captured and adjudicated during the Napoleonic and American wars. The Archives has also not neglected newspaper files. A file of Charlottetown papers, commencing in 1800 and extending to 1850; the *St. Andrews Standard*, the *Chatham Gleaner*, the *Yarmouth Herald*, the *Truro News*, are amongst the early journals secured for the future historian in the Archives.

It is to be regretted that neither New Brunswick nor Nova Scotia possesses an up-to-date work on Provincial history. Haliburton's *History of Nova Scotia*, Murdock's splendid three-volume history, Campbell's and Allison's are all out of print.

In New Brunswick, Fisher's *History*, published in 1827, Gesner's *History* dated 1847, and Hannay's two-volume history (1908) are all out of print. It is difficult to ascertain how a supposed intelligent government can expect a people to be instructed in the history of their own country without possessing historical literature! The Siwash Indians recognize this is impossible and in the absence of the printed page, institute the totem pole.

The apathy and neglect of the governments have been somewhat remedied by private enterprise. The public spirit of individuals has produced a number of non-controversial works that are a credit to the country. The late Archdeacon Raymond's "St. John River", and the "Winslow Papers", together with his numerous contributions to the press are models of research and accurate writing. Alexander Munro's *History* now almost forgotten; J. W. Lawrence's "Judges of New Brunswick"; David Russell Jack's "Acadiensis"; Hannay's "Acadia" and "War of 1812"; Ketcham's "Carleton County"; Mrs. Steeves' "First Store Keeper" at Moncton; Trueman's "Chignecto"; Father Albert's "Madawaska"; Dr. W. G. Ganong's *Papers*—are the principal works of this class in New Brunswick.

The Nova Scotia list is much larger. Dr. Wentworth Eaton's "King's County" gives a general sketch of pre-Loyalist settlements together with biographies of the leading families. It is a very valuable work. The deft handiwork of Dr. Archibald MacMecham is seen in the artistic quality of all his tales of the sea and land. In making words speak, he is the most finished of all our writers. Savary's "Annapolis"; Patterson's "Pictou"; DesBrisay's "Lunenburg"; McLeod's "Markland"; More's "Queens County"; Lawson's "Past and Present of Yarmouth"; Campbell's "Yarmouth"; Brown's "Yarmouth"; Crowell's "Barrington"; Poole's "Annals of Yarmouth and Barrington"; Wilson's "Digby"; McKay's "Tatamagouche"; Mrs. Grace Dean McLeod's "Tales of Acadia" are some of the words, the production of which, involving much research work and toil, were published at the author's cost and risk. These are irrespective of a number of Acadian works of permanent value. Senator Poirier's "Origin of the Acadian People" and other writings show research and a judicial spirit. These works prove the existence of an intellectual class, who put on the boards of the literary theatre productions combining the action, colour, shade and spirit of a stormy and, in parts, romantic history, extending over a period of three hundred years. With the excep-



tion of Quebec, no part of civilized America possesses elements so calculated to arouse the interest of the scholar or gratify the casual reader. If our people do not realize the value of their historic past, it is owing to the fact that no provincial history is in common circulation, because it does not exist. The governments have incurred debts amounting in the aggregate to seventy-five million dollars and yet not one dollar of this huge sum has been devoted to the creation of free public libraries or the production of local historic books. These would greatly tend to create an interest and pride in our country and would do much to combat the exodus that has been depopulating it.

The Federal Government at Ottawa possesses the only well organized and thoroughly efficient Archives establishment in Canada. In the interests of efficiency and economy, it is much to be desired that the Provincial and Federal authorities should unite in the work of collecting the early records of the country, preserving them and making them available for students and writers.

## L'HONORABLE LOUIS-JOSEPH PAPINEAU

PAR FRANCIS-J. AUDET

Il est une vérité depuis longtemps admise en histoire, mais qui ne souffre pas d'être répétée. C'est celle-ci. Pour bien juger un homme, un homme politique surtout, il faut le recul du temps. Et cela est peut-être encore plus vrai au Canada qu'ailleurs, car les passions et les préjugés politiques sont, pour ainsi dire, héréditaires chez nos compatriotes. Et cela se conçoit aisément lorsqu'on songe aux luttes quotidiennes qu'eurent à subir nos pères sous la constitution de 1791. Ce régime parlementaire était un progrès marqué sur l'ancien mode de gouvernement. Il était cependant perfectible, et c'est ce à quoi nos législateurs s'employèrent durant la période qui s'étend de 1791 à 1837. Ils s'acheminaient lentement mais sûrement vers le gouvernement responsable, et si les écarts de langage et de conduite parlementaire n'y eussent mis obstacle, nous l'aurions obtenu pratiquement dès 1831, sans effusion de sang. Mais on voulut aller trop vite en besogne et l'on cassa les vitres. C'était malhabile, et ces procédés retardèrent de dix-sept ans l'obtention des privilèges, ou plutôt des droits réclamés, qui nous furent concédés finalement dans toute leur ampleur en 1848.

Papineau a été l'homme public le plus discuté, peut-être, de tout le Canada. D'un côté on l'a porté aux nues, d'un autre, on l'a rabaissé outre mesure. La passion politique était, jusqu'à ces derniers temps, entrée trop avant dans l'histoire du Bas-Canada pour qu'on pût juger l'homme froidement, sans parti-pris. Nous nous sommes efforcés au cours de cet article de le montrer sous son vrai jour. Avons-nous réussi? A d'autres de répondre.

M. Alfred D. De Celles est, sans contredit, l'historien qui a jusqu'à ce jour le mieux connu, le mieux compris Papineau. Son admirable ouvrage, publié à Montréal en 1905 (Librairie Beauchemin), mérite d'être lu attentivement par ceux qu'intéresse l'histoire de cette époque tourmentée. Il est aussi impartial qu'on puisse le souhaiter.

Fils de Joseph Papineau, notaire et député à l'Assemblée législative, et de Marie-Rosalie Cherrier, Louis-Joseph naquit à Montréal le 7 octobre 1786. Il commença ses classes à Montréal et il les continua au Séminaire de Québec, où il fut le condisciple de Mgr Turgeon, évêque de Québec, du docteur Joseph Painchaud et de Philippe Aubert de Gaspé, l'aimable auteur des "Anciens Canadiens" et des "Mémoires". Ce dernier nous dit que

"Papineau jouait rarement avec les enfants de son âge; il lisait pendant une partie des récréations, faisait une partie de dames, d'échecs, ou s'entretenait de littérature, soit avec ses maîtres, soit avec les écoliers des classes supérieures à la sienne. L'opinion générale était qu'il aurait été constamment à la tête de ses classes, s'il n'eût préféré la lecture à l'étude de la langue latine.

"Comme il lui était permis, continue M. de Gaspé, par faveur spéciale, de lire, même pendant l'étude, sans l'agrément des maîtres de salles, il se dépêchait de brocher ses devoirs pour se livrer ensuite à son goût favori. Il était redevable de cette indulgence, je crois, en reconnaissance de services importants que son père avait rendus au séminaire de Québec, ou peut-être aussi parce que les supérieurs croyaient avec raison que cette faveur ne l'empêchait pas de faire de brillantes études.

"Les maîtres menaient de temps à autre les pensionnaires du petit séminaire aux séances de la chambre d'Assemblée pendant les séances du parlement provincial; et comme les enfants aiment à singer tout ce qu'ils voient, il fut décidé que nous aurions



aussi notre chambre d'Assemblée. On commença par les élections. Que d'intrigues! que de corruption même pour faire élire un candidat de notre choix!

"Le parti conservateur, tremblant pour l'élection de son candidat, proposa de faire voter les ecclésiastiques du grand séminaire. Celui de l'opposition, dont Papineau était le chef, combattait de toutes ses forces l'introduction de cette clause dans notre charte. Il s'ensuivit de longs débats, de bien chaudes discussions, mais les tories triomphèrent.

"Le grand jour de l'élection arrivé, les deux candidats firent les discours d'usage, et promirent, comme on le fait de nos jours, plus de beurre que de pain aux sots (et j'étais probablement du nombre) qui ajoutaient foi à leurs discours. L'âge d'or allait renaître pour les écoliers! plus de penums, plus de férule, mais des confitures à tous nos repas. Rien de plus aisé à obtenir; il ne s'agissait que de présenter au supérieur une requête appuyée par un corps aussi auguste que notre parlement.

"Papineau, âgé alors de treize à quatorze ans, monta sur le *husting* et, dans un discours qui dura près d'une demi-heure, foudroya notre malheureux candidat. Je l'ai souvent entendu depuis tonner dans notre parlement provincial contre les abus, la corruption, l'oligarchie, mais je puis certifier qu'il n'a jamais été plus éloquent qu'il le fut ce jour-là. Les prêtres du séminaire s'écriaient: C'est son père!! c'est tout son père! Quel champion pour soutenir les droits des Canadiens, lorsqu'il aura étudié les lois qui nous régissent! Et les messires Demers, Lionnais, Bédard et Robert, qui rendaient ce témoignage, étaient des juges compétents."

conclut M. de Gaspé.

Juges compétents! peut-être, mais éducateurs malhabiles, en tout cas, l'admiration irraisonnée et l'encens à bon marché prodigués à cet enfant développèrent chez lui une trop grande confiance en soi-même et une croyance injustifiée en ses forces. Dès le collège, où maîtres et élèves le regardaient avec fierté, le tenaient pour ainsi dire sur un piédestal et se pâmaient d'admiration à ses mondres paroles, à ses moindres gestes, dès ses années de collège, dis-je, il se crut d'une essence supérieure, et son orgueil natif s'en accrut d'autant. C'était là, on en conviendra, une éducation fautive, désastreuse pour l'enfant, et qui devait être plus tard son plus grand ennemi; on faussait inconsciemment son jugement.

Quoique d'une intelligence supérieure, ce manque de jugement, de pondération et d'empire sur soi-même, firent commettre à Papineau de lourdes fautes en politique. D'une suffisance impérieuse, il se croyait en droit de faire la leçon à tout le monde, de guider tout un peuple sans le secours de qui que ce fût. Il ne consultait, en effet, ses amis, ses lieutenants, que lorsqu'il ne pouvait faire autrement, et si les avis reçus ne concordaient pas avec ses désirs, il ne se faisait pas faute de les écarter et de passer outre.

Papineau avait de belles qualités: une grande puissance de travail, une parole facile et abondante, une mémoire bien servie par de nombreuses lectures, une connaissance assez approfondie de l'histoire constitutionnelle de l'Angleterre et des Etats-Unis, mais il manquait de connaissances générales et, par conséquent, d'envergure dans les idées.

Aucun autre homme politique canadien de son temps n'a joui d'autant de popularité que Papineau. Il était l'idole du peuple. Son nom est passé en proverbe. Un fluide magnétique semblait se dégager de sa personne; il attirait les foules et les faisait tressaillir. Sorti du peuple, il connaissait sa sensibilité, il en avait les instincts et la vision d'un idéaliste.

"Le peuple aime les gestes expressifs qui s'aperçoivent de loin et par-dessus les têtes. Il aime les voix chaudes et vibrantes... Parlez-lui de patrie, de justice et de liberté, si vous voulez qu'il vous entende, qu'il vole dans vos bras et que son cœur soit à vous," a dit l'auteur des "Etudes sur les orateurs parlementaires". Papineau connaissait le procédé et il en usait largement, quoique tout probablement d'une manière plus ou moins consciente. Il s'emportait en parlant; il se grisait lui-même de ses propres paroles comme il enthousiasmait ses auditeurs. Le peuple canadien est grand admirateur de l'éloquence. Un beau parleur peut le manier à sa guise. C'est ce qui explique en grande partie l'ascendant de Papineau sur les masses. Au physique, c'était un bel homme; de haute stature, des épaules larges, couronnées par une tête puissante aux traits fins et réguliers. C'était un homme qui attirait l'attention.

“De tous les hommes qui brillaient alors dans l'enceinte parlementaire ou sur les hustings, dit Benjamin Sulte,<sup>1</sup> le plus nouveau, le plus admiré, le plus étonnant était le jeune Louis-Joseph Papineau... Il arrivait en Chambre précédé d'une réputation d'orateur et d'homme d'étude. On raconte que son premier discours fut pour combattre une motion soutenue par son père et qu'il enleva le sentiment des députés. Son père, qui était en même temps son meilleur ami, ne tarda pas à se retirer devant lui, sachant bien que la cause nationale avait trouvé un défenseur digne de devenir son champion en titre. Ses manières affables, son geste engageant, sa conversation polie et admirablement soutenue, presque toujours enjouée, en faisait l'idole de son entourage. Habile comédien, à la façon de tous les orateurs de talent, il s'animait devant le peuple et faisait passer sur son visage, dans sa voix, dans ses moindres mouvements, les émotions qu'il voulait faire ressentir à ses auditeurs. Tout vibrait en lui et à sa vue l'enthousiasme gagnait les têtes. Tel était l'homme qui, au moment où les anciens orateurs atteignaient l'âge de la vieillesse, apparaissait pour leur succéder, en compagnie de cinq ou six autres jouteurs des plus vaillants.”

Mais toute médaille a son revers. Si Papineau avait de belles qualités, il avait aussi des défauts sérieux. Une ambition démesurée, un amour excessif de l'autorité non partagée, c'est-à-dire un instinct dominateur, et un esprit irritable qui lui faisaient repousser les conseils, même ceux de ses plus dévoués partisans. Si ses qualités grandirent avec le temps, ses défauts ne s'améliorèrent pas, au contraire, ils ne firent qu'augmenter davantage de jour en jour, et il vint un temps où ceux-ci l'emportèrent sur celles-là, et l'on eut 1837.

On peut en quelques mots définir Papineau un homme de génie, un grand orateur et un meneur d'hommes; mais un génie égoïste qui ne savait pas mesurer la parole à l'action ni au temps où il vivait. Il s'emportait trop en parlant et il ne semble pas avoir eu conscience du mal qu'il faisait par ses discours. Il s'enivrait littéralement de ses propres paroles et ne pouvait juger de leur portée. Il ne prévoyait pas la catastrophe à laquelle il menait inévitablement ses compatriotes suspendus à ses lèvres; nous le répétons, il manquait de jugement et de pondération.

Nous avons vu que, dès son entrée à l'Assemblée législative, Papineau y avait pris une des premières places malgré sa jeunesse. L'honorable Jean-Antoine Panet ayant été promu au Conseil législatif, la présidence de l'Assemblée, qu'il avait si honorablement remplie, devint vacante et Louis-Joseph Papineau fut élu pour le remplacer (21 janvier 1815). Il conserva ce poste de confiance jusqu'à la suspension de la constitution, le 27 mars 1838, si l'on en excepte toutefois les deux années de présidence de Vallières de Saint-Réal, (10 janvier 1823 au 8 janvier 1825), pendant la mission de Papineau, envoyé en Angleterre pour combattre le projet d'union des deux Canadas.

Durant les trente années qu'il passa à l'Assemblée, Papineau avait représenté les collèges électoraux suivants: comté de Kent, du 18 juin 1808 au 22 mars 1814; Montréal-ouest, du 13 mai suivant au 27 mars 1838; Surrey, du 25 août 1827 au 4 décembre 1828; et le comté de Montréal, du 22 novembre 1834 au 3 novembre 1835.

Papineau fut appelé à faire partie du Conseil exécutif le 28 décembre 1820. Trois Canadiens seulement faisaient partie de l'Exécutif composé de dix-sept membres, lorsque Papineau y entra: MM. François Baby, Antoine-Louis Juchereau Duchesnay et Olivier Perrault.<sup>2</sup> Voyant qu'il n'y pouvait jouer un rôle prépondérant, Papineau n'y demeura pas longtemps. Il

<sup>1</sup> Hist. des Can. fran. VIII, 72.

<sup>2</sup> Les quatorze Anglais étaient: MM. James Monk, Adam Lymburner, John Richardson, Jonathan Sewell, James Irvine, James Kerr, Ross Cuthbert, Michael Henry Perceval, John Mure, Wm. B. Coltman, Wm Smith, Jr., le lieutenant-colonel John Ready et M. John Hale, tous deux nommés en même temps que Papineau.



assista à cinq séances du Conseil, puis il n'y mit plus les pieds. D'après le "Guide Parlementaire historique" de M. Joseph Desjardins, Papineau continua néanmoins d'en faire partie jusqu'au 25 janvier 1823. Lord Aylmer voulut l'y faire nommer de nouveau en 1831, mais le vicomte Goderich, alors secrétaire d'Etat pour les colonies, s'y objecta.<sup>3</sup>

Lord Aylmer montra en cette occasion une claire vision de la destinée politique et sociale des Canadiens et au point de vue anglais du danger qu'il y avait de les anglifier. Je suis aussi partisan que peut l'être un Anglais, disait-il, des lois et des institutions britanniques. Il convient tout de même de se demander à quoi mènerait l'anglicisation des Canadiens. En ferait-on des Anglais ou des Américains? Le Canadien est moral, religieux, obéissant aux autorités constituées, et il ne désire rien tant que de n'être pas dérangé dans ses habitudes et ses convictions. Mais si on l'anglicisait, je crois bien qu'il prendrait plutôt modèle sur ses voisins immédiats que sur ceux d'outre-mer.<sup>4</sup>

De 1808 à 1820, Papineau ne joua pas un rôle très actif à l'Assemblée législative. Tout en s'occupant de politique, il avait servi, en qualité de capitaine au cinquième bataillon de la milice d'élite incorporée, d'officier de l'état-major (15 décembre 1813) et de capitaine surnuméraire au deuxième bataillon de la ville et banlieue de Montréal, en 1814. Il fut aussi rapporteur suppléant des conseils de guerre (deputy judge advocate), du 15 décembre 1813 au 20 avril 1819. Il fut promu major au troisième bataillon de Montréal, le 3 mai 1830.

A partir de 1820, Papineau devint plus remuant et plus audacieux à l'Assemblée. La question des finances prenait une ampleur nouvelle et devait à l'avenir y primer toutes les autres. Or, les économistes anglo-canadiens d'aujourd'hui sont d'opinion que les vues de Papineau sur ce

<sup>3</sup> Lettre d'Aylmer à Goderich, 26 août 1831. Arch. du Can. série Q, Vol. 198-1, p. 172.

<sup>4</sup> Voici le texte de cette lettre:—

"I feel it to be due to myself to intrude a few words (merely of explanation) on your Lordship's notice regarding the application which on a former occasion I took the liberty of addressing to you for the appointment of Mr. Papineau to be a Member of the Executive Council.

"It is quite impossible to go further than I do in condemning the publick Conduct, and language of that Gentleman in the House of Assembly; and he must himself be well aware of this for I have expressed myself without reserve on the subject to some of his most intimate friends; and although as an individual I live upon good (I may say cordial) terms with Mr. Papineau whose private character I much esteem, I studiously avoid all conversation with him upon the Publick Affairs of the Province—my recommendation of him therefore, to be a Member of the Executive Council, could not have proceeded from any favorable disposition towards him as a Public Character. But I felt desirous, I confess, to show Mr. Papineau, and all those who participate in his Political Sentiments that the Administration of the Province was free of all party connexions determined to work its way in a straight forward course, and to afford the most unequivocal proof that the machinery which impelled it was open to the inspection of whoever might be disposed to examine it. A policy like this appears to me to be the only one that will suit the Actual circumstances of this Government, which is altogether (and I entreat your Lordship to bear this in mind on all occasions) without influence of any description in the House of Assembly; the only branch of the Legislature which is regarded with any degree of respect and confidence by the people at large—nothing remains, therefore, for the Government but to create for itself the strength, derived from the possession of publick opinion—it is my constant aim, and study to obtain for it the advantage of this powerful lever, and I am rejoiced in having the opportunity which the contents of your Lordship's Despatches affords me, to observe, that the wise, the enlightened, and I must add, the noble views, taken by His Majesty's Government of the Affairs of this Province, afford every prospect of rendering the execution of my publick duty a delightful and easy task for the time to come.

I will only include one more observation on your Lordship whose time I am well aware must be most fully & anxiously occupied. I myself partake of all that partiality which so particularly distinguishes Englishmen in favour of their own Laws and Institutions, and should be most happy to see them universally established in all British Colonies; but in the case of this particular Colony it well becomes all those who are so eager to *Anglify* the French Canadians, to consider what those French Canadians would become on ceasing to be what they now are; Would the change make them Englishmen, or Americans? At present the French Canadian is moral, religious, obedient to the authorities placed over him; and desirous of nothing but of not having his habits and prejudices invaded. Such is the Character of the French Canadian of the present day; but if this be to be re-modelled, I much fear that he would look, not across the Atlantick to a distant land, but over an imaginary line at the threshold of his own door, for the forms which his character and principles are then to assume.

sujet étaient justes et très étendues; il devançait de beaucoup son temps. Il eut de plus l'avantage d'avoir pour le seconder dans cette tâche des hommes de mérite, tels que Cuvillier, Neilson et autres. On connaît la lutte qui s'ensuivit entre Papineau et Dalhousie. La brèche alla s'élargissant jusqu'au rappel de ce dernier, en 1827. Sous Kempt, qui ne fut que deux ans à la tête des affaires, il y eut accalmie, mais peu après l'arrivée d'Aylmer, en 1830, la lutte reprit de plus belle.

Le vicomte Goderich avait remplacé, le 30 avril 1827, lord Bathurst qui avait dirigé le bureau des colonies pendant quinze ans, mais il n'avait fait qu'y passer. Remis en charge de ce ministère, le 22 novembre, lord Goderich se mit à la besogne et décida enfin d'accorder à l'Assemblée législative à peu près tous les privilèges que celle-ci réclamait. Garneau, qui était un grand admirateur de Papineau, reconnaît pourtant que celui-ci eut le grand tort de ne pas accueillir les propositions fort acceptables de lord Goderich. Papineau était devenu intraitable; il voulait tout ou rien. De ce moment, il n'a plus le beau rôle. Il continua de soulever la province contre le gouvernement, et l'on connaît le résultat de l'élection de 1832 et l'incident regrettable qui eut lieu à Montréal cette année. Papineau somma "Mathew, lord Aylmer" de venir à Montréal et de punir les coupables, c'est-à-dire les officiers des troupes qui avaient commandé le feu lors de l'émeute. Inutile de dire que le gouverneur ignora avec dédain cette sommation pour le moins irrespectueuse.

Deux ans plus tard, Papineau et quelques-uns de ses plus fidèles lieutenants imaginèrent les 92 résolutions. C'en était trop. Le leader canadien qui avait déjà vu plusieurs de ses suivants le quitter, vit avec indignation sept des principaux membres canadiens de l'Assemblée s'unir à l'opposition et voter pour le rejet de ces propositions. Pas un seul de ces sept braves ne put se faire réélire aux élections générales qui suivirent.

De 1834 à 1837, il n'y a qu'un pas; Papineau le franchit bientôt, et ce fut alors la rébellion ouverte contre l'autorité. Papineau essaya, mais trop tard, de s'y opposer. Le peuple du district de Montréal, enflammé par la parole ardente et non mesurée du chef, ne l'écouta plus. Cette échauffourée nous coûta cher et nous valut l'Union si détestée et qui semblait devoir écraser à jamais la nationalité canadienne.

Si Papineau n'est pas le seul coupable, il est du moins le principal facteur de la rébellion. On nous dit qu'il n'a pas voulu la révolte ouverte, armée, et l'on prétend que ses lettres prouvent cette assertion. Est-il possible qu'un homme comme Papineau ait pu se tromper à ce point? Est-il possible qu'il ne se soit pas aperçu que sa fougue, sa véhémence, son emportement soulevaient les masses et les affolaient? Mais alors, il faudrait croire qu'il était aveugle! aveuglé par la passion, par la colère, par l'orgueil! Encore une fois, est-ce que Papineau se grisait, s'enivrait littéralement en parlant, au point de ne pouvoir se rendre compte de l'abîme qu'il creusait et où il conduisait, tête baissée, ses compatriotes? Nous le croyons. Et ce serait là un politique habile, un homme d'Etat!

Papineau sentait, dès 1831, le pouvoir lui glisser des mains; les principaux membres de l'Assemblée commençaient à se fatiguer de sa tyrannie. Mais voyant la défection de ceux-ci, le chef n'en devint que plus entêté, plus irrité, plus intraitable. Et dès lors, il glissa rapidement sur le plan incliné qui menait à la révolte ouverte, c'est-à-dire à l'abîme. Il ne sut pas ou ne put s'arrêter à temps.



A la grande assemblée de Saint-Charles, où on avait élevé une colonne surmontée du bonnet de la Liberté, et où le docteur Nelson déclara que le peuple devait s'organiser pour résister à la violence par la violence, Papineau parut et souleva un enthousiasme indescriptible. Il parla longuement aux applaudissements répétés de la multitude. Il conseilla aux gens de rester sur le terrain de l'agitation constitutionnelle, mais à ce moment M. Nelson s'écria: "Eh bien! non, je diffère d'opinion avec M. Papineau; je prétends que le temps est arrivé de fondre nos cuillers pour en faire des balles." <sup>5</sup>

L'auteur auquel nous empruntons ce détail ne nous dit pas que Papineau ait rebuté le docteur Nelson pour ces paroles véhémentes, ces paroles séditeuses. D'autres discours, tous plus violents les uns que les autres, suivirent. Papineau fit-il quoi que ce soit pour dissuader les orateurs de fomenter la rébellion ouverte? Nul ne le dit. En tout cas, plusieurs prises d'armes eurent lieu et Papineau dut prendre le chemin des Etats-Unis pour mettre sa personne en sûreté.

Des Etats-Unis, Papineau passa en France où il demeura jusqu'en 1844, alors que La Fontaine obtint pour lui comme pour tous les autres rebelles, une amnistie pleine et entière. Il revint alors au Canada.

A peine était-il de retour—grâce aux bons procédés du nouveau chef des Canadiens—qu'il s'agitait de nouveau. Il se fit élire dans le comté de Saint-Maurice, le 24 janvier 1848, et il le représenta jusqu'au 6 novembre 1851. Aux élections suivantes il se présentait dans le comté des Deux-Montagnes et il était élu, le 9 juillet suivant. Il se retira définitivement de la politique le 23 juin 1854.

Quelle fut sa conduite en Chambre durant ces sept années? Il se posa comme le chef du radicalisme et fit la lutte à La Fontaine. Il ne semble pas s'être aperçu du pas immense fait dans la politique canadienne durant son absence en Europe, où la fréquentation de Lamennais, de Béranger et de Louis Blanc laissa son empreinte sur ses idées.<sup>6</sup> Il voyait tout en noir, et il fut la cause inconsciente, peut-être, de la division du parti canadien en Chambre et de la fondation du nouveau parti soi-disant démocratique, ayant pour chef les deux Dorion, Rodolphe Laflamme, Dessaulles et autres. Il prit enfin sa retraite de la politique et se retira en son manoir de Montebello d'où il ne sortit plus guère jusqu'à sa mort survenue le 22 septembre 1871, à l'âge de 85 ans.

Louis-Joseph Papineau avait épousé, à Québec, le 29 avril 1818, Julie, fille de Pierre Bruneau et de Marie-Anne Robitaille. De cette union naquirent trois fils, Lactance, Gustave et Amédée, et deux filles, Ezilda et Azélie. Cette dernière épousa Napoléon Bourassa. De ses trois fils, Amédée seul lui survécut; les deux autres moururent jeunes.

Terminons cette esquisse par ce paragraphe cueilli dans l'ouvrage de M. De Celles: "Ce serait faire injure à sa mémoire que de conclure de l'attitude de Papineau dans les luttes qui ont occupé une partie de sa vie, qu'il fut un homme imbu de préjugés de race. Son hostilité n'a jamais été dirigée contre les Anglais comme peuple; elle visait uniquement les ministres qui refusaient de nous accorder, dans toute leur intégrité, les droits des sujets britanniques que nous étions fondés à réclamer. Il serait impossible de relever dans l'ensemble de ses discours une seule parole malsonnante à l'adresse du peuple anglais. Ses idées l'auraient plutôt entraîné à un cos-

<sup>5</sup> L. O. David. *Les Patriotes de 1837*.

<sup>6</sup> A. D. De Celles—*Papineau*, p. 196.

mopolitisme conforme aux aspirations de la démocratie. A ce point de vue, il est en avance sur ses contemporains de tous les pays, où les préventions religieuses et nationales, toujours actives, ne rappellent que trop souvent les hommes arriérés des siècles évanouis. Un jour que M. Gury, Suisse d'origine, inféodé au parti anglais, disait, à la Chambre de Québec, qu'il préférerait voir aux affaires un ministère composé de citoyens nés dans le pays, Papineau lui répondit: " Pour moi, ce que je désire, c'est un gouvernement composé d'amis des lois, de la liberté, de la justice; d'hommes qui protègent indistinctement tous les citoyens, qui leur accordent tous les mêmes privilèges. J'aime, j'estime ces hommes sans distinctions d'origine; mais je hais ceux qui, descendants altiers des conquérants, viennent dans notre pays nous contester nos droits politiques et religieux... On nous dit: " Soyons frères! " Oui, soyons-le, mais vous voulez tout avoir; le pouvoir, les places et l'or, c'est cette injustice que nous ne pouvons souffrir."

En conclusion, nous dirons que, malgré ses défauts, Louis-Joseph Papineau a été pendant un quart de siècle l'homme le plus en vedette au pays. Ce grand citoyen a tenu durant la première moitié de sa carrière politique un rôle éminent, et peu d'hommes en aucun pays ont joui d'une aussi grande popularité. S'il eût eu plus de modération, plus de diplomatie, il eût obtenu plus de succès en politique. Papineau est et demeurera, néanmoins, une des grandes figures politiques du Canada français, son nom restera gravé dans la mémoire de ses compatriotes qui lui pardonneront ses imperfections en raison des services inappréciables qu'il a rendus à la cause canadienne, et pour le nouveau lustre qu'il a ajouté à la gloire des ancêtres.

#### APPENDICE

EXTRAITS de lettres de l'ambassadeur de France à Washington adressées au comte Molé, ministre des Affaires Etrangères, relatives à Papineau. Ces lettres ont été publiées dans *Nova Francia*, par M. LaRocque de Roquebrune, en 1928 et 1929, sous le titre de

M. DE PONTOIS ET LA RÉBELLION DES CANADIENS-FRANÇAIS, 1837-38

Direction politique, 9 7<sup>bre</sup>

N<sup>o</sup> 14/31

MONTREAL, le 9 août 1837.

Monsieur le Comte,

.....

2<sup>o</sup> A la première nouvelle de l'adoption des résolutions dont je viens de parler, l'agitation s'est manifestée dans le Pays, de nombreux et fréquents rassemblements, provoqués par les Organes de l'opposition, ont eu lieu dans les villes et dans les campagnes et des proclamations d'un caractère violent et séditieux ont été adressées au Peuple. Je crois pouvoir dire, avec connaissance de cause, que ces troubles ne sont pas nés d'un mouvement national et spontané, et qu'ils ont été préparés à l'avance par les Chefs du parti Canadien de concert avec leurs amis du Parlement tels que MM. Roebuck, Leader, etc., dans le but de réaliser les prédictions de ces derniers sur les mauvais effets des résolutions. Ils ont été du reste et sont encore en ce moment, beaucoup moins sérieux que ne voulait le faire croire les journaux des deux partis, les uns pour effrayer le Gouv<sup>t</sup> les autres pour lui montrer la nécessité des mesures de rigueur. Le vrai but que se proposent les agitateurs est d'agir sur l'esprit du Ministère Britannique et sur l'opinion publi-



que, par ces bruyantes protestations, et d'arracher à la crainte ce qu'ils n'ont pu obtenir de la persuasion. C'est dans le même espoir qu'ils cherchent à établir quelques rapports entre leur Pays et les Etats-Unis, et qu'ils font, en ce moment, signer par leurs partisans une pétition au Congrès, tendant à obtenir une réduction de droits sur leurs grains. Ils ne se bornent pas à inspirer à l'Angleterre des inquiétudes sur la conservation de la Colonie, ils veulent encore lui en rendre la possession peu profitable et même onéreuse, en l'obligeant à accroître sa force militaire et ses autres moyens de défense, et en la privant en même temps d'une partie des profits que son commerce retire du Canada. Pour obtenir ce dernier résultat, ils ont pris la résolution de ne plus consommer de produits Anglais, ou importés par les bâtimens de cette nation, et de ne faire usage que d'objets manufacturés dans le Pays, ou introduits en contrebande. Il paraît que cette recommandation a déjà été suivie d'assez d'effet pour produire une diminution sensible dans la vente des importations anglaises. Quant aux moyens plus violents et plus décisifs, c'est à dire le recours aux armes, il faut espérer que malgré les excitations de la Presse et des résolutions des meetings qui prêchent ouvertement la révolte les Canadiens seront assez sages, assez prudents, assez éclairés sur leurs véritables intérêts pour s'en abstenir. Ils n'auraient en effet aucunes chances de succès, dans les circonstances actuelles, et cette imprudente tentative, non seulement causerait la ruine actuelle de leur Pays, mais aurait encore pour effet inévitable de reculer, indéfiniment peut être, l'époque du redressement de leurs griefs et de leur émancipation, deux choses que le temps et l'influence de l'opinion publique peuvent seuls amener. J'espère qu'ils renonceront aussi au projet moins dangereux mais aussi impolitique, de recourir à l'intervention des Etats-Unis, d'abord au moyen de la pétition dont j'ai parlé plus haut ensuite, peut-être, en réclamant l'exécution des promesses faites au Canada par la Confédération Américaine, dans l'acte de déclaration de son Indépendance. C'est dans ce sens que je me suis franchement expliqué avec diverses personnes de ce parti et surtout avec M. Papineau qui m'a fait l'honneur de venir me voir, et m'a longuement parlé de l'état des affaires. M. Papineau est, comme le sait Votre Excellence, le Chef du parti Canadien Français: Il est depuis vingt ans le Président (speaker) de la chambre d'assemblée, et les efforts tentés, à différentes reprises par l'Autorité Anglaise et notamment par Lord Dalhousie qui cassa même le parlement à ce sujet, pour l'écarter de cet emploi, ont tous été infructueux. Il jouit dans le Pays d'une immense popularité et il la mérite à certains égards, ses ennemis eux-mêmes ne contestent ni ses talents, ni son caractère honorable; ils le représentent seulement comme manquant de l'énergie et de l'audace qu'il faudrait à un Chef de Parti. Par conviction ou politique, Lord Gosford m'en a fait le plus grand éloge. M. Papineau qui a aujourd'hui 50 ans a exercé dans sa jeunesse, la profession d'avocat qu'il a entièrement abandonnée, depuis qu'il est entré dans la vie publique. Il possède au lieu dit la petite Nation à vingt ou trente lieues de Montréal, une propriété ou, pour parler le langage du pays, une seigneurie d'une assez grande étendue, mais d'un revenu médiocre. Il touche, comme speaker 1000 livres sterling par an. M. Papineau m'a paru beaucoup au dessous de sa réputation et du rôle qu'il prétend jouer; ses idées sur les questions générales sont communes, sa conversation déclamatoire, son admiration pour les Institutions démocratiques des Etats-Unis, dénuée de critique et de discernement; ce qui peut-être doit peu surprendre de la part d'un homme qui n'a reçu que

l'imparfaite éducation d'un Pays fort arriéré, qui a à peine vu l'Europe et qui passe sa vie au milieu de gens qui lui sont fort inférieurs et l'écoutent comme un oracle; mais ce qui m'a étonné et en même temps peu rassuré sur l'avenir du Parti Canadien, qu'il dirige à son gré, c'est qu'il se fait les plus dangereuses illusions tant sur la portée de ses ressources et l'esprit de la population, que sur l'appui à attendre des Etats-Unis. Il faut être en effet, bien aveuglé par les préoccupations de l'esprit de parti, ou comme on le croit ici assez généralement, par les fumées de l'ambition, pour vouloir faire d'hommes pacifiques, religieux et Français d'origine comme le sont les Canadiens, des Révolutionnaires et des Démocrates jaloux de s'incorporer dans la République des Etats-Unis et pour se persuader que cette République va se jeter dans les chances périlleuses d'une guerre avec l'Angleterre, par enthousiasme chevaleresque et sympathie pour leur cause.

.....  
(Signé) E. DE PONTOIS

Légation de France aux Etats-Unis,  
Direction Politique  
N° 68/42.

NEW YORK, 30 Novembre 1838.

MONSIEUR LE COMTE,—Vous trouverez ci-joint copie de.....

M. Papineau est venu me voir il y a quelques jours. J'ai acquis, par conversation, de nouvelles preuves de l'impossibilité du succès de l'Insurrection. "C'est, a-t-il fini par m'avouer lui-même, une Population réduite au désespoir, qui se précipite aveuglément au devant du danger, sans concert, sans organisation, *sans secours étranger*, et qui se dévoue à la mort." J'ai cru devoir lui représenter alors, au nom de l'intérêt que le sort du Canada inspire à tout cœur français et avec la force que donne une profonde conviction, que si un pareil sentiment pouvait être excusable dans les Masses, il ne l'était pas dans leurs Chefs, dont le devoir était, au contraire, d'user de tous les moyens en leur pouvoir pour arrêter une lutte trop inégale, et sauver, s'il en était tems encore, leur malheureux Pays dupe et victime des intrigants et des spéculateurs Américains, de la ruine et de la destruction dont il était menacé. C'était une prompte soumission, ai-je ajouté, qui pouvait seule donner au Gouvernement de la Reine la possibilité d'écouter les plaintes des Canadiens et de protéger leurs droits et leur Nationalité contre le Parti qui en demandait hautement l'anéantissement, et dont les circonstances actuelles ne favorisaient que trop l'animosité et les exigences. C'était elle qui pouvait aussi permettre aux voix amies et généreuses de tous les Pays de faire entendre des paroles de modération et de conciliation, qui aujourd'hui ne seraient pas écoutées. J'ai dit enfin à M. Papineau que ce beau et noble rôle de sauveur de ses compatriotes pouvait, s'il le voulait, lui appartenir, à lui qui, je le savais, avait déconseillé l'Insurrection, qui était dénoncé par les Meneurs actuels, et qui représentait seul, aux yeux de tous les gens éclairés de ce Pays, comme à ceux des Autorités Anglaises elles-mêmes, le côté honorable et vraiment patriotique de la cause canadienne; qu'il ne lui fallait, pour cela, que se séparer, dès à présent, et avec éclat, des intrigans qui s'étaient mis à la tête des derniers mouvemens et avaient exploité la crédulité des Canadiens, recommander à ses partisans la soumission et la patience, et, en même temps réclamer avec énergie et persévérance auprès du Gouv<sup>t</sup> Britannique contre le Régime



illégal, arbitraire et violent qui opprimait le Pays et lui préparait de nouveaux troubles et éveiller ainsi l'intérêt et les sympathies de l'opinion publique, tant en Amérique qu'en Europe et jusque dans le sein du Parlement Anglais. Malheureusement, Monsieur le Comte, un pareil rôle est au dessus de la portée de M. Papineau, homme honnête et consciencieux, mais d'un esprit médiocre et étroit, rempli de lieux communs à la place d'idées et opposant à la logique des faits et des réalités de vaines utopies et de puériles illusions, en un mot, précisément le contraire de ce que doit être un Chef de Parti. Au reste, il est juste de dire que, voulut-il adopter le Plan que je lui indiquais, et pour l'exécution duquel il pouvait compter sur l'appui de M. Fox, et probablement sur celui de Lord Durham, peut-être ne le pourrait-il pas: car son influence et sa Popularité, auxquelles les événements de l'année dernière avaient déjà porté une rude atteinte, pourraient bien être tout à fait nulles aujourd'hui. Il vient de partir pour Washington, non dans l'espoir, dit-il, d'intéresser à sa cause le Gouvernement des Etats-Unis qu'il accuse de faiblesse et de pusillanimité, mais pour se mettre en rapport avec quelques membres influents du Congrès. Il songe aussi à passer en Europe, c'est à dire en France, où il espère réveiller d'anciens souvenirs et faire parler de puissans intérêts. J'ai cru devoir ne pas lui laisser d'illusions à cet égard, et lui ai dit, en le dissuadant de son projet, qu'il était sûr de rencontrer chez les personnes auxquelles seules il voulait s'adresser (c'est à dire aux Ministres du Roi) sympathie pour les habitans du Canada et désir de contribuer à adoucir leur sort *mais rien au delà...*

(Signé) E. DE PONTOIS

Lettre autographe signée<sup>7</sup>

Son Excellence Monsieur le Comte MOLÉ,  
Président du Conseil,  
Ministre des Affaires Etrangères, &c.

<sup>7</sup> Arch. des Affaires Etrangères, Corr. P. Etats-Unis, Vol. 94.

## THE CHOICE OF KINGSTON AS THE CAPITAL OF CANADA, 1839-1841

By D. J. PIERCE and J. P. PRITCHETT

In 1839 there were many obstacles in the way of the Canadian union suggested by Lord Durham to alleviate the political crisis which had been precipitated by the Rebellion of 1837. Not least significant among these was the question of the location of the capital for the United Province. Both Upper and Lower Canada coveted the honour and, perhaps more, the other advantages to be derived from the possession of the political centre. Each had a number of claims to put forward in support of its demand; but one was able to assert itself more effectively than the other.

After the Rebellion the majority of French Canadians were categorically opposed to any union which might locate the capital outside of Lower Canada. To accept such an arrangement, they felt, would be a step towards placing them definitely in political and racial subordination to their western neighbours<sup>1</sup>. On account of the Rebellion they were, however, without effective means of protest: they had been deprived of their arms; their Legislature had been suspended; and they were being ruled by a Council made up of men appointed by the Crown.

Upper Canada, unlike the Lower Province, had retained its Legislature after the Rebellion; and the Council, which represented the Family Compact, was able to control a majority in the Assembly. Thus, it was to the representatives of the official element in the population that proposals to unite the two provinces were, of necessity, submitted. The majority of the officials had good cause to fear union. They were located mainly in Toronto. Here they had built their homes; here they were the elite, politically and socially; and here, too, were their investments and other means by which they augmented their incomes. Were the capital not located in Toronto, they would lose most of these advantages. If it were placed in Lower Canada they might easily fail to hold their respective offices. Accordingly, when political union was under discussion in 1839, both the Council and the Assembly passed resolutions to the effect that they were absolutely opposed to the plan unless certain conditions were embodied in any bill approved by the British government. Conspicuously listed among these conditions was the stipulation that the seat of government be placed in Upper Canada.<sup>2</sup>

In the meantime the new Governor, Charles Poulett Thomson, acting on instructions from Lord John Russell, had drawn up a union bill. Russell and Thomson were intimate friends, and consequently the latter was given a more or less free hand and full support in drafting the measure. The Governor, realizing sufficiently well that the question of fixing the capital was both a major issue and a point of bitter contention<sup>3</sup>, skillfully evaded the difficulty, and at the same time avoided alienating either province by simply inserting in the bill a clause which, following the precedent

<sup>1</sup> R. W. Scott: *The Choice of the Capital. Reminiscences Revived on the Fiftieth Anniversary of the Selection of Ottawa as the Capital of Canada by Her Late Majesty*, Ottawa, 1907, 4.

<sup>2</sup> *Copies or Extracts of Correspondence Relative to the Reunion of the Provinces of Upper and Lower Canada*, 24, 27. (British Parliamentary Papers, Commons, 1840, No. 147).

<sup>3</sup> *Ibid*: 46.



set in the Constitutional Act, gave the Crown's representative power to assemble the united legislature at any place upon which he might decide.<sup>4</sup> By this means Thomson left the Lower Canadians in a position where they might well have expected that either Quebec or Montreal would be the favoured city; but at the same time he assured the people of Upper Canada, through an express agreement with their leaders, that they would be given the preference when the final choice was made. Unless this promise had been given the Upper Canadian Legislature would have refused flatly to agree to the bill.<sup>5</sup> No doubt Lord John Russell's threats of dismissal to office-holders, who expressly opposed the measure, made the official element more amenable to the Governor's wishes;<sup>6</sup> but in regard to fixing the capital the Province as a whole solidly backed up the contentions of its representatives. They were, also, other reasons for the choice being left at the discretion of the Governor. Both political developments and shifts in the centre of population might at any time in the immediate future render it expedient to adopt a new seat of government; and, if it were located by Imperial statute, change would be difficult, if not nearly impossible.<sup>7</sup> Then, too, Thomson expected to be virtually prime minister as well as Governor, and believed that it would be a point of vantage to hold constantly in his own hands the power to designate anew the meeting place of the government. Finally, were a definite site in Upper Canada proposed, inter-city jealousy might delay or prevent the passage of the Union Bill in the Legislature. All things conspired, then, to convince the Governor that the selection of the capital must be left among those powers delegated to the Crown.

Thomson's promise was only partially successful in mitigating the fears of the Legislature. Many members were decidedly unsatisfied; all were much concerned. To conciliate opposition and to reassure everyone, the following appeal was submitted in an address to the Queen:—

"As a matter of justice to your Majesty's subjects in Upper Canada, we earnestly and confidently appeal to your Majesty, to admit their right to have the seat of the Provincial Government established within this Province. It surely cannot be denied to the people of this Colony, that if favour is to be shown to either Upper or Lower Canada, their claim stands pre-eminent; independent of which, the moral and political advantages of the concession are too obvious and undeniable to admit of dispute."<sup>8</sup>

The Governor, after having secured the approval of the Union bill in the Canadas, was forced to consider the attitude which Downing Street would take towards the measure. Lord John Russell, as early as 1839, intimated in the House of Commons that the seat of the new government would be undoubtedly at Montreal; and this was known to officialdom in Canada.<sup>9</sup> If by any chance Montreal were specifically named in an Imperial act, then Thomson would find himself in a peculiar, not to say precarious, position because of his pledge to the Upper Canadians. To forestall such a contingency the Governor set hard to work. A strong pro-

<sup>4</sup> A bill to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada, 9 (British Parliamentary Papers, Commons, 1840. No. 339).

<sup>5</sup> William Morris to C. P. Treadwell, August 15, 1839. (This letter is in the possession of John Perry Pritchett); Public Archives of Canada: Series Q, Address to the Queen on behalf of the Citizens of Ottawa, May 4, 1857; Copies or Extracts of Correspondence Relative to the Reunion of the Provinces of Upper and Lower Canada, op. cit., 24, 27; W. P. M. Kennedy, ed.: Documents of the Canadian Constitution, 1759-1915, Toronto, 1919, 534. William Kingsford: The History of Canada, Toronto, 1893, X, 518; Scott, op. cit., 4-5.

<sup>6</sup> H. E. Egerton and W. L. Grant: Canadian Constitutional Development, London, 1907, 270-2.

<sup>7</sup> Copies or Extracts of the Correspondence Relative to the Reunion of the Provinces of Upper and Lower Canada, op. cit., 46; Morris to Treadwell, August 15, 1839.

<sup>8</sup> Copies or Extracts of the Correspondence Relative to the Reunion of the Provinces of Upper and Lower Canada, op. cit., 47.

<sup>9</sup> Morris to Treadwell, August 15, 1839.

test against any provision being incorporated in the Act to make Montreal the permanent capital, or to circumscribe in any way the power of the Crown over the matter was drawn up and despatched to the Colonial Office.<sup>10</sup> The Secretary's reply was encouraging but somewhat vague.<sup>11</sup> Thomson then wrote again and at greater length, giving in detail his opinions as to the advantages and disadvantages of each of several possible sites of the future capital. At the same time he reiterated his plea that final decision be left to the Crown. Five places were found worthy of mention—Kingston, Montreal, Toronto, Quebec and Bytown.<sup>12</sup>

Bytown was given little recommendation to the Colonial Office. It had the advantage of being suitable for defence owing to its location at a safe distance from the American border and at the mouth of the Rideau Canal; the canal had been constructed a few years previously to serve essentially as a military water-way between Kingston and Montreal in the event of war with the United States. In 1839, however, Bytown was only a small lumbering village, difficult of access due to the absence of railroads, and remote from the more thickly-populated districts. To have made it the seat of government would have entailed considerable delay and great expense in providing accommodations. There was, nevertheless, among the inhabitants of the Ottawa valley, fond hope that Bytown would be given the honour.<sup>13</sup>

Quebec was represented as being no more suitable than Bytown. Surrounded by a French population, it lay in the most eastern part of the Canadas, almost a thousand miles distant from the settlements of the far West. Moreover, it was difficult of access to Great Britain during the winter. Despite the fact that Quebec possessed a Parliament House and buildings for the offices of the government, Thomson maintained that it was "utterly" unsuited even for the first meeting of the new legislature. Its obvious advantages—historical significance, nearness to the sea and impregnability—were completely passed over.

Toronto received little more approval than did Quebec. It offered moderate accommodations, and any improvements that were necessary could have been perfected at a small cost and without particular bother or inconvenience; but still its disadvantages weighed heavily against it. It lay too far to the west for an efficient administration of government in Lower Canada; it was "a town altogether undefended, and indefensible". The harbour was bad and the district unhealthy. Communication with Britain in the winter, through the United States, or overland to Halifax, was slow and tedious. There were "many political reasons too", which made Toronto "an extremely unfit place for the seat of government, and even undesirable as the place where the first Assembly should be holden." Thomson was fully cognizant of the insidious political atmosphere of the stronghold of the old Family Compact; but he told Russell that in an emergency it might be possible to hold the first parliament there, although he "should regret being obliged to do so".

Montreal and Kingston as seats for government were more or less seriously recommended to the consideration of Downing Street; and of these two, the latter was distinctly favoured by the Governor; and in his arguments employed to persuade the Colonial Secretary to accept his sugges-

<sup>10</sup> *Copies or extracts of Correspondence Relative to the Reunion of the Provinces of Upper and Lower Canada, op. cit.*, 46.

<sup>11</sup> *Ibid.*: 50.

<sup>12</sup> Public Archives of Canada, Series Q, Vol. 272, Part 1, *Thomson to Russell*, May 22, 1840. 144-158.

<sup>13</sup> *Morris to Treadwell*, August 15, 1839.



tion, he at times was most vague and inconsistent. The two cities offered about equal accommodation, and there was "little or none in either". It was subtly denied, nevertheless, that the situation in Kingston had actually been examined. Thomson promised to visit and survey that city at a later date. Montreal possessed "the old Government House, of one story only, and of moderate size", containing the Civil Secretary's office and a room in which the Special Council assembled. A government house and the offices for the different departments of state had to be rented. Still this presented no serious difficulty in so populous a centre. In 1839 Montreal had a population of forty thousand.

Kingston contained no government buildings and only six thousand people; but despite these facts it was contended that it held superior attractions. Permanent parliament buildings could be erected in the smaller city at a considerably less expense; and, too, there was an abundance of Crown land "which might be taken advantage of". There was no land in Montreal belonging to the Crown. Thomson, assuming that, of the two cities, Kingston was the more suitable for a permanent establishment, explained to Lord John Russell that there would also be saved an unnecessary expense in rents if the united legislature met for the first time in that city.

The respective natural advantages of the two cities were clearly in favour of the sea port; but the Colonial Office was presented with quite the contrary notion. Contrasted from three points of view—defence, communication with Britain in winter, and position—Kingston was held preferable to Montreal. It was a stronger military centre; closer to the winter port, New York; more nearly midway between the eastern and western parts of Canada; and situated at the head of the lake navigation and the Rideau Canal. Montreal, on the other hand, was acknowledged to be at the head of ocean navigation and twenty-four hours closer to Halifax, the Canadian winter port. No mention, however, was made that it was nearer the centre of population; that it was the commercial metropolis of Canada; that if, in the case of war with the United States, it were captured, Kingston would be completely cut off from communication with the mother country; and that it was further removed from the American frontier. Finally, while it was conceded that the size and age of the larger city gave it certain just claims to pre-eminence in the matter of the capital, and that it was slightly more convenient than its rival for the first meeting of the united legislature, the fact was emphasized that as a permanent seat of government Kingston was superior.

Every attempt was made to persuade the British government that the capital should be placed in Upper Canada. The interests of the latter would be the chief concern of the new administration. This view of the province was upheld by many arguments—the fertility of its soil, the character of its people, the nature of its westward-spreading settlement, its capabilities for improvement, and its room for immigration. And, too, the future of the western province promised to be the chief source of Britain's wealth and greatness on the North American continent.

A comparison of the two dominant races in Canada was stressed to further the claim that it would be most inexpedient to place the new seat of government in the French Province. "Lower Canada," wrote Thomson, "has it is true a numerical majority of Population, but of what does it consist?—of a vast body of French Canadian Peasantry cultivating in the most barbarous way a soil of far less fertility—a People not incapable of improvement, but still only to be very slowly and gradually improved

in the Habits and Education . . . The Eastern Townships indeed exhibit a healthy and thriving Population of British and American Settlers, but the want of water communication and the rigor of the climate as compared with the other Province will make their growth slow and set limits to their improvement. . . The seat of government and above all the sittings of the Legislature should be removed from the presence of a large French Population. Montreal is its centre." On the other hand it was declared that "to bring the French Population to the middle of English Population would instil English Ideas into their minds, destroy the immediate influence upon their actions of the host of little Lawyers, notaries and Doctors—the pest of Lower Canada—who swarm in the District [of Montreal] and shew them the advantages of practical improvements and the working of English habits." Strange to say, no mention was made of the fact that a province so incomparably inferior to Upper Canada ought to have been, far more than the latter, "the utmost concern of the government."

Downing Street proved to be entirely in agreement with the suggestions of the Governor. He was simply instructed to consult men of all parties before he formed his decision. Thanks were expressed to him for his "clear and useful information;" Kingston was strongly favoured as the permanent capital; and a surmise was made that the distance from Quebec to Toronto would make a journey between the two "very burthensome."<sup>14</sup>

Late in 1840 Thomson, who in the same year was made Baron Sydenham, wrote his intentions in a private letter: "I shall fix the capital of the United Province in this one [Upper Canada]. Of course Kingston will be the place."<sup>15</sup> On February 15, 1841, a proclamation was issued summoning the United Legislature to assemble at Kingston.<sup>16</sup> The Governor had redeemed his pledge.

The date set for the first meeting of the Legislature was Monday, the fourteenth of June. The good people of Kingston were enraptured by the prospect. Owners of property dreamed blissfully of future opulence. Rents sky-rocketed. Real-estate knew no bounds. Certainly, too, the appetites of the visitors were considered. Larders were crammed to the bursting point as if famine threatened the land.<sup>17</sup>

Fortune at last had smiled favourably upon the Limestone city; but in many other Canadian centres there was bitter disappointment. Toronto's feelings were described rather badly in the contemporary press under the caption, *Drowning Men Grasp at Straws*: "The Torontowegions are in a queer fix and imagine all possible and impossible means and methods to regain for their Mud Hole, the Seat of Government. Among other chimeras of this nature, Mr. Henry Sherwood, Jun. in an Address to the inhabitants, proposes to petition somebody or other, to hold the Sessions of Parliament alternately at Quebec and Toronto, in order, that a fair proportion of public plunder should still be secured to his intended constituents. A very feasible proposition, and only wants to be carried into effect, to immortalize the proposer." Quebec, Montreal and Bytown were likewise disgruntled.<sup>18</sup>

<sup>14</sup> Public Archives of Canada, Series Q. Vol. 272, Part I, *Russell to Thomson*, June 22, 1840, 159-160.

<sup>15</sup> Adam Short: "Lord Sydenham", *The Makers of Canada*, Toronto, 1912, 268.

<sup>16</sup> *Correspondence Relative to the Affairs of Canada*, 1841, 28 (British Parliamentary Papers, Commons, 1841. No. 338).

<sup>17</sup> *Ibid*: 39-40; *The Quebec Gazette*, February 24, June 6, 1841; *The Chronicle and Gazette* (Kingston), February 17, 1841; John Mercier McMullen: *The History of Canada from its first Discovery to the Present Time*, Brockville, 1892, II, 173.

<sup>18</sup> *The Quebec Gazette*, February 22, 24, 1841.



Alas for the vanity of human wishes! Kingston's joy was short-lived. In 1843 the Assembly, finding Kingston unsuitable from almost every point of view, persuaded the New Governor, Sir Charles Metcalfe, to give the coveted prize to Montreal. Here the seat of government remained until 1849, the year of the passing of the Rebellion Losses Bill. The cry was then raised that traitors were being remunerated; and a mob voiced its displeasure and its principles of loyalty by burning the Parliament Buildings, and pelting the Governor with stones and eggs. This seemed to make it clear that Montreal was not a healthy spot for the site of government. Parliament then became migratory, and every few years moved between Toronto and Quebec—an arrangement reminding one of the farcial suggestion made in 1840 that the capital should be placed on a barge and towed around to the chief cities in rotation. This ambulatory system proved to be so expensive that in 1857 the request was made to Queen Victoria to settle the question for good and all. The leading cities were asked to submit their claims. After considering the merits of each, Her Majesty chose Ottawa—until 1855 called Bytown.

Things which in themselves appear to be trivial often influence strongly the destiny of nations. The question as to where the seat of government of a new country should be located would appear to be important, but in most cases not vitally so. When, however, on that decision hangs the possibility of the national unity of two races, the subject may become dangerously involved and worthy of the deepest thought of a statesman. Such was the case in Canada in 1839; but it was the country's misfortune that this problem was not given statesmanlike treatment. Certainly no claim can be made that the advice offered to, and urged upon, the British government in regard to the choice of the capital was impartial. Thomson possessed the mind of a business man, of a political opportunist.<sup>19</sup> Russell had sent him out to Canada to work out Durham's proposals, especially the union of the two provinces; and he had kept his eye on the immediate duty. His first serious task had been to frame a union bill, and persuade the two colonial governments to accept it. Lower Canada, of course, could offer no impediment to his plan. In Upper Canada, however, opposition to his aims was effective, and had to be overcome. Consequently, the Governor made his promise to the Family Compact leaders. In this transaction he considered the people of Lower Canada only to the extent that he tried to inveigle Downing Street into leaving the selection of the political centre at his own discretion, so that union would be a fact long before the French could discover and understand his plans. His fear that the advice would be ignored in England led him to point out emphatically in his second letter on the subject to the Colonial Office what he was wont to consider the advantages possessed by the five Canadian towns and cities. To serve his immediate political needs he tried decidedly to bias opinion in England in favour of the cities of Upper Canada, particularly Kingston; and at the same time urged, sophistically, that the near approach of the first meeting of the United Legislature, and his own ignorance in regard to accommodations offered by Kingston for that meeting, made it incumbent that the new act should leave the settlement to the decision of the Crown. Of the seeds of discord which he was sowing for the statesmen of the future when they should attempt to mould two races into one nation, he seemed to be either oblivious or negligent. When the Act

<sup>19</sup> *The Montreal Herald*, June 14, 1841; Kingsford, *op. cit.*, X, 508-511.

of Union was made public and the capital designated, the French-Canadian realized perfectly well that he had been victimized in the interests of the Anglo-Canadian.<sup>20</sup>

That immediate political expediency dictated Thomson's policy is apparent beyond the shadow of a doubt, not only in the distorted view of the Canadian situation which he presented to the British government, but also in the fact that his decision was quickly reversed. Of the deeper issues at stake he was either ignorant or careless. By adroitness and tact he had achieved his purpose—the union of the Canadas; but only at the price of a further embitterment of the French-Canadian.

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<sup>20</sup> *Correspondence Relative to the Affairs of Canada*, 1841, *op. cit.*, 22; *Quebec Mercury* February 27, 1841; *The Quebec Gazette*, March 5, 1841; Duncan McArthur: "Constitutional History, 1763-1840", *Canada and Its Provinces*, Toronto, 1914, IV, 418.





## SOME NEGLECTED ASPECTS OF CANADIAN HISTORY

By A. R. M. LOWER

A great man, a great war, the intriguing sequences of politics, these are the subjects which naturally arrest the first attention of the historian and which secure a public for the books he writes. They form the high lights of history and it is safe to say that they always will receive the lion's share of attention. But hardly anyone would be disposed to claim that they constitute the sole content of history.

In the past, the writer on Canadian history has for the most part confined himself to the brilliantly visible subjects. He has mined the richest or the most readily accessible ore. He has written of statesmen and explorers, war and politics. These are worthy themes. They form the groundwork of our history. But they are not the whole story. Few persons in this present age would care to accept in its entirety Freeman's well-worn dictum that history is past politics. Neither is it past wars or explorations. All these are but history's handmaidens and it must avail itself alike of them and of any others it can find before it can claim to have achieved its aim, which is nothing short of a complete explanation of man's present in terms of his past.

The political and constitutional historian explains one segment of the present in terms of the past. His play has had a good run in Canada and, so far, the more important of the books turned out have had to do with these topics. Therein lies no cause of complaint for there is no denying the importance of our political development and the very considerable human interest which attaches to it. But is it not possible that this field is beginning to obey the law of diminishing returns? It has been tilled carefully, if not altogether systematically, and it is to be suspected that its fruits do not possess the piquant flavour which once characterized them. The broad lines of our internal political development have been traced. It is unlikely that they will have to be radically retraced. Most of the important figures have had their biographies. However, as time alters the perspectives in which they appear, fresh biographies may be expected. There is also probably room for further accounts of secondary personages, though we shall have to keep our sense of proportion and realize that persons whose actions were of considerable importance in the small theatre of a colony would probably occupy a very tiny niche in a larger hall of fame. But these will constitute only the gleanings from the field: the main harvest has been gathered.

Our place in the evolution of the modern Empire has also been rather intensively surveyed and while from time to time new material may be unearthed which will round out a corner here and there, there is not likely to be any wholesale revision of the generally accepted views on such subjects as the securing of responsible government. Important as that particular topic is, it is hard to see where much will be gained by its perpetual re-examination. On the other hand, some investigation of what might be called the "middle period" of Imperial relations, from Confederation to the Colonial Conference of 1897, might profitably still be made.



Nothing is more certain than that colonies founded by English-speaking people would have won through sooner or later to some form of self-government. From this point of view, the interest which attaches to our political and constitutional development is an interest in a process rather than in a result for the result was a foregone conclusion. There are other aspects of our growth in which the interest perhaps centres chiefly in the result because of the simple fact that the result is as yet by no means determined.

One of these is afforded in our geographical background. Canada is a country which has been made in defiance of geography. If some celestial being, intent on constructing some ideal commonwealth, were looking about the earth for a site for a model enterprise, almost the last area he would choose would surely be the present Dominion, with its disproportionate area of uninhabitable land, its various isolated sections, its rigid climate and its limited access to the sea. Here is a process, nation-building, still going on and whose result, to judge from our internal stresses and strains, is not yet entirely assured. It is the uncertainty of the result which lends attractiveness to the process.

But the process has gone far enough at least to constitute a very substantial tentative result. Despite geography, here we are, an accomplished fact. The country forms a signal illustration of the triumph of mind over matter. This fine flying in the face of providence, this great spiritual achievement, deserves more emphasis and analysis than it has hitherto received.

Natural forces have conditioned our history at every point. The sea has united the Maritime Provinces with New England, not with the upper provinces. The St. Lawrence Valley has yoked Ontario and Quebec together in an uneasy partnership. The Canadian Shield has separated both from the west. These are familiar remarks but despite their familiarity, the facts which lie behind them have not been investigated as fully as their importance warrants. They are neglected aspects of our history. We have for example, no full-length study of the relations of New England and the Maritimes and only an occasional rather sketchy monograph on the St. Lawrence Valley. We have no attempt, so far as the writer knows, to assess the influence of the climate on this transplanted section of the European race, though that influence must have been profound. Has it tended to make us introspective as the Russians are sometimes said to have been made by theirs, a similar one? Has it, together with the uncertainty of our economic life, itself a reflection of climate and physiography, had anything to do with our chronic hectic optimism which is always looking so eagerly for mere prosperity and which causes us to interpret life from so stark a materialistic standpoint? Do our natural surroundings, the omnipresence of the wilderness and the resulting scantiness of population, explain the pre-occupation of our poetry and our art with nature rather than with man? These are questions worth trying to answer.

Fashions in history change as they in other matters. The old 'drum and trumpet' history has gone. The great ones of the earth are no longer the only fit subjects for discussion. The worship of the 'common man' as an object of study is upon us. While the study of the common or common-place man, if overdone, would no doubt make for common-place history, yet in a country such as this, which is a monument to his obscure labours, he might well receive a certain measure of attention. What man-

ner of man is our 'common man'? Where did he come from and how did he get here? We have a few studies on immigration but none as yet which have reached to the heart of the problem—and indeed it will prove a difficult matter to do so. It is easy enough to compile a history of the public policy as to immigration, to write about the ocean crossing or the journey up country. It is fairly easy to trace the rise and progress (or the lack thereof) of the settlements in which government assistance played a part. But it is not easy to get at the character of our original population *en masse*, to discover what proportion came from Ireland or from Scotland, how great a leaven the Loyalist strain has been, how much of the growth of population has been due to immigration, how much to natural increase and things of that sort. We are not informed in any systematic way on the social status of our pioneers. Some, such as certain of the Loyalists, were substantial and cultured men, others were paupers. these things we know because they stand out, but what was the "average" man? From the character of our people to-day we can guess shrewdly but we must chiefly guess.

There is in print a wealth of meticulous detail lying ready for the person who can paint a picture from it. Local histories are as the sand on the sea shore. As history most of them are very bad, though there are honourable exceptions, but as storehouses of facts that would otherwise be most inaccessible, they are valuable. Some day they will provide raw material for the writer gifted with power to distil the essence of the commonplace and to show us how a people grows.

Much has been written about the picturesque side of pioneer days. Everyone knows that the settler, leaving wife and children in a rude log cabin, was accustomed to trudge through the almost pathless woods for many miles with a heavy sack of wheat upon his back, and so on. But the general principles which underlay the whole process have not as yet been much canvassed. Has there been a frontier psychology in Canada as there was in the United States? Was the attack on the wilderness methodical despite its seeming confusion? Did certain classes of persons take upon themselves certain classes of work? Maria Chapdelaine's father with his self-appointed task of clearing a farm and then moving on again to the wilderness to do the same thing over again represented a type whose existence was well-defined on the American frontier. Did it exist in Canada? Hémon's novel is one bit of evidence showing that it did. There are doubtless others which would establish the point. Did the newly arrived push on out to the frontier or did the biologic law of dispersion hold good, that law which teaches that it is the edge which moves and the old ground that is occupied by later comers?

In the United States, the innate genius of the Anglo-Saxon for self-government was illustrated over and over again as the frontier rolled westward by innumerable duplications of the Mayflower compact. Did anything of the sort occur in Canada or did government tread so closely on the heels of the settler that local arrangements were not necessary? If so, what has been the effect on our population of the orderliness of our development? Has it robbed us of some initiative? Or is our cautiousness a racial trait, to hazard a guess, Scottish in origin?

Both in Canada and the United States, democracy has been a condition, not a theory. It has been the spontaneous product of the frontier and the forest. In both countries it has had its battle to fight with the representatives of an older order of things. In the United States it had to



contend with the propertied classes of the east and in Canada with propertied and privileged family compacts. Of the two survivals of aristocracy, the Canadian version was probably the more invidious and certainly the more petty. Not long after Andrew Jackson scored his ringing victory of 1828, Mackenzie led his guerilla raid against a foe akin to his. While other champions of the new order duly appeared, its victory in Canada was not as complete as in the United States and as a result there has always been an aristocratic tinge to our politics—or at least to our political system—not observable in those of the republic. Even if we would—which God forbid!—we could not have a party convention such as the Democrats held in 1924.

Leadership and direction, the “tone” of life, have in Canada, tended to come from above, that is, directly or indirectly from English aristocratic tradition, the Americans, on the other hand, while not exactly getting these things from below, have at least made them up as they went along. The result is a fairly considerable difference in the political and social atmosphere of the two countries, a difference which has been reflected in laws and institutions. In Canada, for example, democratic theory has never gone to such extreme limits as to bring about universal municipal suffrage and to-day, in most provinces, only ratepayers may vote on money by-laws. In the United States, the elected council reigns supreme again, it has been much easier to “close” a profession in Canada than in the United States, which land in these matters has acted rather consistently on its principles of equality. Here is a field, the nice balance between the natural tendencies of a new community and its inherited influences, which could be richly worked.

The formal constitutional or legal aspects of the evolution of self-government have not lacked expositors, its less tangible features have. The significance of the broadening of the franchise has not had much attention. What type of men have we had as our representatives in Assembly and Parliament, as our mayors and our sheriffs? Has there been a change in their type as we have become more and more of a democracy? What has been the nature of that part of the organization of our politics which is not designed to meet the eye, the internal economy of parties? How have candidates for election been chosen? Have they been selected by vulgar bosses as often they are in the United States or by very respectable ones (there is a temptation to add ‘such as Sir Francis Head’)? Or have they frequently selected themselves? Have we anywhere in Canada a vehicle for the expression of public opinion equal in efficacy to the New England town meeting in its best days? Why, incidentally, did the New England ‘town’ not spread to pre-Revolutionary Nova Scotia?

The republic, whose influence has been so obvious everywhere in Canada, has probably also influenced the structure of our politics. These obscure forces might well be investigated.<sup>1</sup> And the investigation might well go beyond political influences. Our civilization, using the term in a wide sense to mean our total inherited collection of ideas, customs, habits of life, modes of thought and so forth, has been derived principally from two sources, Great Britain and France, and the British source has been split into two halves, according as it came directly from Great Britain or indirectly through the United States. These two halves have never been clearly differentiated. By way of illustration:—it will readily be granted that the average Canadian is endowed with a fairly acute conscience in moral matters—the *Canadian Forum* has been accusing us lately of being

a nation of 'eminently respectable' people—but is his conscience a "New England conscience or a Nonconformist conscience"? The two grow from a common root, it is true, but in some respects time and place have differentiated them. Which do we share or do we possess both?

Again does the attention we pay to education in Canada come from the influential Scottish strain in our blood, is it an echo of New England and the Puritans or is it a product of local conditions?

To take the question of religion. It might be presumed that a country settled by Englishmen from the two ends of society rather than from the middle and by Scots and Ulstermen would be outstandingly Anglican or Presbyterian, whereas it is not, but if outstandingly anything, is—or was until lately—Methodist. Does the explanation lie in the influence of the circuit rider from the south, that insidious 'Yankee' of a century ago who was like to wrest the country from Great Britain by converting it to Methodism<sup>1</sup> or was the local circumstance the explanation, the conjunction with an emotional and exuberant religion of pioneer gloom and loneliness seeking emotional relief in any direction possible?

Whatever the explanations for these and similar phenomena, they are worth while seeking.

An analysis of cultural conditions would have to face the question as to whether anything has originated on the spot. Most persons would name the idea of a federation within an empire as a distinctive Canadian contribution to the science of government. Perhaps there are others in other spheres. In religion there is the unique union lately consummated of three Protestant churches. Such a frank facing of reality in a field which prejudice has usually reserved for its own must argue something original in our way of looking at life. It is comparable to another equally clear-sighted attitude in quite a different department of human activity, the co-operative ability shown by our western farmers. Such things give ground for hoping that in our own way we are contributing to the general stock of human wisdom.

But into such a contribution, natural conditions again enter. Canadians must admit that they are on the circumference, not at the centre of the white world's cultural area. Many of the great, formative ideas of that world have been literally 'made in Germany' or in some other European country. Thence they have travelled across the sea—the influence of Locke on the Virginia planters and hence on the American Revolution is a good example—and have slowly taken root in new surroundings. Very often they have come to Canada after a preliminary period of acclimatization and thus by a second remove from their point of origin. To return to the field of religion again, Methodism, if not a profound philosophy, at least a great social force, is a case in point. This slow and indirect penetration of ideas was especially true in a past of rudimentary communications. Cultures spread themselves very much like animals or plants, it seems, and the ideas or problems which agitate the centre today, pass away from it, to be replaced by new ones and to agitate the frontier tomorrow. Tennessee, for instance, is just discovering Darwin. Shall we in Canada always be situated close to the cultural frontier and will parts of the country always be further away from that frontier than others? Montreal is sometimes said to be spiritually as well as geographically nearer London than Toronto. Will it always be so? Is it easier and will it continue to

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<sup>1</sup> An occasional letter of Bishop MacDonell gives the impression that he feared some such result.



be easier for a new idea to reach Winnipeg over the open vastness of the continental plains than for it to cross the lakes to Toronto? An examination of what has happened in the past might elucidate the point.

Apart from abstractions, there are many concrete problems still to be looked into. Our relationship with the United States offers many of them. Within the last generation, Americans and Englishmen have largely rewritten the history of the American Revolution. It would be interesting to have a thorough analysis of it by a Canadian.<sup>2</sup> In particular, the treaty of 1783 which was to affect our future so profoundly is worth a study. So also is the treaty of Washington of 1871. So far, we have left most of these things to others.

Many monographs are needed on the economic side of our history. The place of New France in the French mercantile system, its relations with the French West Indies and the French conception of Empire from the commercial side, all these would repay scrutiny—scrutiny which might result in a series of studies as admirable as those of George Louis Beer on British colonial policy.

The same holds good of British North America in the post-Revolutionary mercantile system. The period after 1883 has been rather minutely examined by writers such as Egerton and the Americans Mahan, Morison and Bemis, and the period of 1840's has also had considerable attention paid to it. The effects of trade regulation on the colonies in the years between these two periods, their reactions to the Imperial system and the methods of its application, are however, comparatively neglected.

The industrial fabric of the country requires many special studies. We have monographs on iron and steel and on shipping. Others are in preparation on fur and lumbering. Still others could be undertaken. Pioneer agriculture, the wheat trade, the fisheries, the beginnings of manufacturing, all these could be looked into.

Compared with older or larger countries Canada has not a great depth of history. It is not at all uncommon to find people from the other side of the Atlantic who are surprised to learn that she has any history at all. The land whose annals are few is said to be happy and judged by that criterion, Canada may be held to be relatively fortunate. But if the stage has been small in the past it is one day going to be larger and it is the duty of the historian to conserve for the future everything which will throw light on how that future came to be. In the case of Canada it is probably possible to pass on almost a complete explanation. Records are very abundant and the period over which they extend is not very long. Of few other countries is this true.

Unfortunately the amount of valuable work which sees the light of day is small in comparison with what is being done. Anyone who will take the trouble to read through the annual lists of studies relating to Canada being undertaken at our Universities and those of the United States and other countries—mainly by Canadians—will be likely to get the feeling that in a few years there will be little left to write about. Unfortunately, few of these are ever published. They remain in manuscript, buried in libraries. The persons who undertook them go out into active life and develop other interests. When, as is often the case, the authors remain in the United States, they must perforce read and produce in other fields, for there is little bread and butter in Canadian history south of the border.

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<sup>2</sup> It is understood that such a discussion is in fact at present in preparation by the dean of our historians.

They give their first youthful enthusiasm to the study of the history of their own country, then depart from it, probably forever. It is a pity. It opens up the apparently insoluble problem of the utilization of our own brains in our own service.

There does not seem any inherent obstacle, however, preventing use being made of the work actually done. More of it should be published. It is admittedly hard to get a commercial publisher to undertake an academic treatise but surely means might be found for printing the best of those that are written.<sup>3</sup> There is plenty of money in Canada if it can only be got at. Historians might pursue less worthy objects than devising means of getting at it.

It is conceivable that were funds available for copious publication, we might within a generation or so, have a body of historical writing that would shed light on almost every angle of our development. Neither scholarship or historical materials are lacking. If that day ever arrives, we shall have come near to doing something which few other peoples have it in their power to do, something which is the historian's ideal, presented to the world a complete synopsis of social and national development.

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<sup>3</sup> Despite some unfortunate selections, McGill University is to be commended for its efforts in this direction.





## LES FONCTIONS DE L'INTENDANT

PAR GUSTAVE LANCTOT

A côté du gouverneur, chef militaire, se plaçait le chef civil qui était l'intendant. En Canada, le second parut longtemps après le premier, car le gouverneur et l'agent sur place de la Compagnie de la Nouvelle-France suffisaient amplement à diriger l'administration d'une colonie naissante.

Avant d'avoir des intendants, le pays eut des commissaires, qui ne firent que passer. En 1662, arriva M. Dumont, porteur d'une commission royale, le chargeant de faire rapport sur la situation de la colonie. De lui, on sait trop peu de choses pour risquer une appréciation de son rôle. L'année suivante, à sa reprise de possession de la Nouvelle-France, le roi, avant de créer le Conseil souverain, nomma un intendant en Canada, M. Robert, qui reçut une commission d'intendant de la justice, police et finances,<sup>1</sup> mais qui ne mit jamais le pied dans la colonie.

En son lieu et place, le roi envoya le sieur Gaudais-Dupont, commissaire de la Marine.<sup>2</sup> Il eut mission de s'enquérir "comment la justice y est administrée, où les établissements ont été faits pour la police et de quelle sorte les revenus ont été régis et le sont encore à présent". Justice, police et finance, voilà bien les attributions de tout intendant. De plus, comme tout intendant, il avait "entrée, séance et voix délibérative" au Conseil souverain, où il occupait la troisième place après le gouverneur et l'évêque.<sup>3</sup> Enfin, pendant son séjour, il signa avec eux les arrêts du Conseil<sup>4</sup> et donna les commissions des officiers de justice nommés par le gouverneur et l'intendant.<sup>5</sup> On peut donc considérer Gaudais-Dupont comme le premier intendant canadien avant le titre.

En 1665, à la suite de l'imbroglio Mézy-Laval, le roi, ayant résolu de s'occuper activement du développement de la Nouvelle-France, nomma Jean Talon, intendant du pays avec commission royale. Il fut le premier intendant en titre de la colonie. Sa commission le dénommait "intendant de justice, police et finances en nos pays de Canada, Acadie, et Isle de Terre-neuve et autres pays de la France septentrionale". Elle lui attribuait, en résumé les droits suivants: assister aux conseils de guerre en Canada, ouïr les plaintes des citoyens et des soldats en toutes matières et leur rendre justice, informer de toutes entreprises contre le service et procéder contre les coupables de tous crimes jusqu'à exécution du jugement, appeler le nombre de juges et de gradués requis par la loi et connaître de tous les crimes et délits, abus et malversations, présider au conseil souverain en l'absence du gouverneur, juger souverainement seul en matières civiles et ordonner de tout ainsi qu'il paraîtra juste et à propos.<sup>6</sup>

<sup>1</sup> *Arch. Col.* F3 vol. 3, Commission d'Intendant de la Justice, police et finances dans la Nouvelle-France pour le sieur Robert, 21 mars 1663, pp. 278-282.

<sup>2</sup> *Arch. Col.* C. G. vol. 7. Inventaire des titres d'établissements. . . . Commission de commissaire de la Marine à Gaudais-Dupont, 7 mai 1663, p. 5.

<sup>3</sup> *Edits et Ord.* III, Commission octroyée au Sieur Gaudais pour aller examiner le pays de la Nouvelle-France, 7 mai 1661, p. 23.

<sup>4</sup> *Jugts et Dél.* I, Voir page 2 et suiv.

<sup>5</sup> *Ibid.* I. 18 octobre 1663, pp. 33-34.

<sup>6</sup> *Edits et Ord.* III. Commission d'Intendant de la Justice, Police et Finances en Canada, Acadie, Terre-neuve, et autres pays de la France septentrionale pour M. Talon, 23 mars 1665, p. 34.



De plus la commission lui accordait la direction et la distribution de toutes les dépenses militaires, avec le droit d'en vérifier les états et les ordonnances, de se faire représenter les revues et les registres, et d'ordonner pour le bien du service tout ce qui paraîtra nécessaire et dépendra de la fonction d'intendant de la justice, police et finances.<sup>7</sup>

Les termes de cette commission se retrouvent identiques dans celles du successeur de Talon, l'intendant Bouteroue.<sup>8</sup> Mais Talon revint en 1670 pour un second terme. Deux ans plus tard, un arrêt du roi lui accorda des pouvoirs particuliers, qui ajoutaient considérablement à sa juridiction. En premier lieu, le roi lui conférait le droit de faire "des règlements de police tant pour le général dudit pays que pour les habitations particulières". Ces règlements, qui devaient être soumis au roi, afin de connaître sa décision, étaient, cependant, exécutoires par provision. De plus, le roi lui permettait de nommer des juges dans tous les lieux de la Nouvelle-France et de l'Acadie où la Compagnie des Indes occidentales, propriétaire de la colonie, ne l'avait pas encore fait.<sup>9</sup>

Mais Talon rentra en France, cette même année 1672, et le pays resta sans intendant pendant presque trois années entières.

Dans l'intervalle, le gouverneur, M. de Frontenac, dirigea seul l'administration de la colonie. Mais en 1674 deux procès retentissants devant le Conseil souverain auquel il présidait, procès qui agitèrent considérablement l'opinion publique, révélèrent le danger de laisser dans une seule main l'autorité judiciaire et l'autorité exécutive. L'année suivante, le roi revint, pour ne plus s'en écarter, au système de placer un intendant dans le pays.

Le nouveau titulaire fut l'intendant Jacques Duchesneau. Il portait une commission qui différait sensiblement des précédentes. Le changement résidait, cependant, plutôt dans la rédaction que dans celle des pouvoirs, car elle énumérait certaines attributions, quand les autres commissions se contentaient de les impliquer. Aux pouvoirs conférés à Talon, s'ajoutaient les attributions suivantes: tenir la main à ce que les juges inférieurs et les officiers de justice ne soient pas troublés dans leurs fonctions, et que le Conseil souverain juge conformément aux lois et à la coutume de Paris; faire, avec le Conseil souverain, les règlements de police générale et voir à leur exécution par les juges subalternes, ou les faire seul, s'il le juge nécessaire au service. De plus, la commission lui accordait la connaissance souveraine et exclusive de tout ce qui concernait la levée et la perception des droits, tant en matière civile que criminelle, en prenant, au cas de peine afflictive, le nombre voulu de gradués, ses jugements étant exécutoires comme des arrêts de cours souveraines. Enfin, elle lui conférait la distribution des deniers provenant de la levée des droits.<sup>10</sup> Mais cette commission ne contient plus le droit accordé à Talon et à Bouteroue, de "juger souverainement seul en matières civiles".

La commission suivante répéta celle de Duchesneau, avec cette seule différence qu'elle fut la première qui attribua à l'intendant la présidence effective du Conseil souverain que Frontenac et Duchesneau s'étaient dis-

<sup>7</sup> *Ibid.*

<sup>8</sup> *Edit et Ord.* III, Commission d'Intendant de la Justice, Police et Finances en Canada, Acadie, Isle de Terre-neuve et autres pays de la France septentrionale pour Monsieur de Bouteroue, 8 avril 1668, pp. 38-39.

<sup>9</sup> *Ibid.* I, Arrêt du Conseil d'Etat qui ordonne à M. Talon de faire des Règlements de Police, 4 juin 1672, p. 72.

<sup>10</sup> *Edits et Ord.* III, Commission d'Intendant de la Justice, Police et Finances en Canada, Acadie, Isle de Terre-neuve, et autres pays de la France septentrionale pour M. Jacques Duchesneau, 5 juin 1675, pp. 42-43.

putée. Elle lui accordait, en effet, le droit de "présider au Conseil souverain, demander les avis, recueillir les voix et prononcer les arrêts".<sup>11</sup>

La commission de Champigny copiait mot à mot celle de son prédécesseur, mais la suivante, celle de Beauharnois, réservait une surprise, tout simplement par la suite du changement de quelques mots. Dans les commissions précédentes, l'énumération des pouvoirs de l'intendant contenait les articles suivants: "tenir la main à ce que tous les juges inférieurs du pays et tous nos officiers de justice soient maintenus en leurs fonctions *sans y être troublés, que le conseil souverain* auquel vous présiderez, ainsi que dit est, *juge toutes les matières civiles et criminelles* conformément à nos édits et ordonnances".<sup>12</sup> Or, dans la commission de Beauharnois, voici comment se lisait le même passage: "tenir la main à ce que tous les juges inférieurs du pays et tous nos officiers de justice soient maintenus en leurs fonctions *sans y être troublés par le conseil supérieur* auquel vous présiderez ainsi que dit est; juger en toutes les matières tant civiles que criminelles conformément à nos édits et ordonnances".<sup>13</sup>

On voit d'un coup d'œil comment l'altération du texte s'est produite par une erreur du copiste qui, après le mot *troublés*, a substitué au mot *que* le mot *par*, et qui ensuite, afin de rendre la phrase intelligible, a remplacé l'indicatif *juge*, qui se rapportait au Conseil, par l'infinitif *juger*, qui devient une attribution de l'intendant. Le résultat, c'est que ce dernier reçoit ainsi carte blanche de "juger en toutes les matières tant civiles que criminelles". Du coup l'intendant deviendrait le maître absolu dans le domaine de la justice, ce qui constitue une absurdité.

Les commissions des autres intendants n'offrent aucune variante du modèle établi; elles répètent exactement celle de Beauharnois avec son anomalie. Celle de Bigot, le dernier intendant, comporte quelques changements qui sont à noter. Elle est la première qui accorde au titulaire le titre d'intendant de marine. A l'occasion du droit de faire seul des ordonnances, elle ajoute l'importante restriction "en matières civiles", ce qui voulait dire qu'en matières criminelles, l'intendant devait les faire avec le Conseil. De plus, elle omet certains détails des attributions relatives aux dépenses militaires. Enfin, au sujet des droits, au lieu de les énumérer par leurs différents noms, elle les désigne par le nom collectif de droits du domaine d'Occident en Canada.<sup>13a</sup>

Avec leurs commissions sous les yeux, il reste maintenant à étudier, à la lumière des instructions royales et ministérielles, et des faits contemporains, les diverses fonctions qui relevaient de l'intendance en Canada.

Nommé par commission du roi, l'intendant était le plus haut dignitaire civil de la colonie, la "seconde personne dans le pays" en pouvoir et dignité.<sup>14</sup> Il restait en office durant le bon plaisir du roi et portait le titre d'intendant de la justice, police et finances, sauf Bigot qui reçut aussi celui d'intendant de la Marine. Dans les requêtes, on lui donnait le titre de Monseigneur.

<sup>11</sup> *Ibid.* Commission d'intendant de la Justice, Police et Finances en Canada, Acadie, Isle de Terre-neuve et autres pays de la France septentrionale pour le Sieur de Meules, 17 mai 1682, pp. 46-7.

<sup>12</sup> *Edits et Ord.* III Commission d'Intendant de la Justice, Police et Finances en Canada, Acadie, Isle de Terre-neuve, et autres pays de la France septentrionale pour M. de Champigny, 24 avril 1686, pp. 50.

<sup>13</sup> *Ibid.* Commission d'Intendant de la Justice, Police et Finances en Canada, Acadie, Isle de Terre-neuve et autres pays de la France septentrionale pour M. de Beauharnois, 1 avril 1703, p. 56.

<sup>13a</sup> *Edits et Ord.* III, Commission d'Intendant de la Justice, Police et Finances en Canada, la Louisiane et dans toutes les terres et isles dépendantes de la Nouvelle France pour M. Bigot, 1 janvier 1748, pp. 75-6.

<sup>14</sup> *Arch. Col. B.* vol. 52, A. M. Dupuy. 15 mai 1728, p. 141



Au Conseil souverain, l'intendant avait la présidence effective, quoiqu'il n'occupât que la troisième place, après le gouverneur et l'évêque, même quand ces derniers étaient absents, car leurs places restaient vides.<sup>15</sup> Dans la cathédrale de Québec et l'église paroissiale de Montréal, l'intendant avait droit à un prie-Dieu, à la gauche, sur la même ligne que celui du gouverneur. Dans les autres églises, il pouvait, comme le gouverneur, faire mettre un siège et un carreau. Aux processions, où assistait le Conseil souverain, l'intendant marchait en tête avec le gouverneur, à la gauche de ce dernier. Si le gouverneur était absent, l'intendant marchait seul à la tête des conseillers. A la présentation du pain bénit, il le recevait après le gouverneur et, aux feux de joie, il avait droit à la seconde torche.<sup>15a</sup> L'intendant Dupuy se faisait précéder aux cérémonies par deux hoquetons, mais le roi désapprouva cette innovation,<sup>15b</sup> et lui permit de se faire précéder d'un seul hoqueton dans les cérémonies qui lui étaient particulières, si elles se passaient hors de la cathédrale ou de la présence du gouverneur.<sup>16</sup> Quand il visitait les lieux de son département, l'intendant était suivi d'une partie des archers de la maréchaussée.<sup>17</sup>

La juridiction de l'intendant s'étendait "en Canada, Acadie, Isle de Terre-Neuve, et autres pays de la France Septentrionale", et plus tard en la Louisiane même. Mais c'était là une juridiction plus théorique que pratique. Les distances géographiques la rendaient impraticable. De fait, en 1726, le roi écrivait lui-même à l'intendant que, comme la colonie de l'île Royale qui est de son intendance, ne se trouve point à portée de ses soins, il envoie ses ordres directement au commissaire ordonnateur de la Marine en cette île.<sup>18</sup> A plus forte raison, l'intendant du Canada ne pouvait-il pas diriger les affaires de la Louisiane. En fait, il n'avait donc sous ses ordres que la colonie canadienne.

Dans les différentes sphères qui se partageaient l'administration de la Nouvelle-France, l'intendant exerçait une juridiction qui variait considérablement. Dans les deux domaines de la justice et de la finance, il possédait une autorité pratiquement absolue. Au contraire, dans les deux domaines des affaires militaires et des relations indiennes, il ne détenait que des attributions secondaires de contrôle et de surveillance. Enfin, dans les deux domaines de la religion et de la police, il possédait une juridiction générale, en commun avec le gouverneur, mais dont l'initiative et les détails relevaient principalement de lui.

Dans le domaine judiciaire, l'intendant qui portait le titre d'intendant de la justice, détenait une juridiction exclusive et souveraine. Son premier devoir était d'assurer aux peuples une "bonne et brève justice" et de procéder contre tous les coupables de quelque qualité et condition qu'ils fussent.<sup>19</sup> Il devait également veiller à l'exécution des arrêts, règlements et ordonnances, sans s'en départir sous aucun prétexte.<sup>20</sup> Dans ce but il devait voir à bien faire rendre justice dans les cours subalternes et à faire

<sup>15</sup> *Arch. Col. C11 A*, vol. 33 Mémoire sur l'Etat présent du Canada 1712, pp. 332-3.

<sup>15a</sup> *Edits et Ord.* I. Règlement fait au sujet des Honneurs dans les Eglises, 27 avril 1716, pp. 353-4.

<sup>15b</sup> *Arch. Col. B*, vol. 53-2 Mémoire du Roy aux Srs Marquis de Beauharnois et Hocquart, 19 août 1729, p. 363.

<sup>16</sup> *Arch. Col. C11 A*, A. M. Dupuy 18 May 1728, p. 363.

<sup>17</sup> *Arch. Col. B*, vol. 11, Lettre du Roy au Sieur de Meules, 10 mars 1685, p. 199.

<sup>18</sup> *Arch. Col. B*, vol. 49-2, Mémoire du Roy pour servir d'Instruction au Sr Dupuy, 1 may 1726, p. 304.

<sup>19</sup> *Edits et Ord.* III. Commission d'Intendant de la Justice, Police et Finances en Canada, la Louisiane et dans toutes les terres et isles dépendantes de la Nouvelle France pour M. Bigot, 1 janvier 1748, p. 75.

<sup>20</sup> *Arch. Col. F3*, vol. 142. Mémoire sur les fonctions du gouverneur et de l'intendant en Canada fol. 195v.

cesser toutes vexations ou mauvais usages.<sup>21</sup> Si les parties ne pouvaient obtenir satisfaction devant un tribunal, il devait le rappeler à l'ordre et, s'il ne s'amendait pas, en donner avis au roi.<sup>22</sup> Il devait aussi tenir la main à ce que les autres officiers de justice s'acquittassent exactement de leurs fonctions.<sup>23</sup>

Ainsi, s'il constatait qu'un juge refusait de rendre justice aux parties, l'intendant pouvait renvoyer l'instance devant un autre juge.<sup>24</sup> Au cas plus grave, où certains officiers des justices subalternes et même du Conseil souverain fussent accusés et convaincus de mauvaise conduite, l'intendant pouvait informer contre eux et leur faire leur procès avec le Conseil souverain. Mais s'il n'existait que des soupçons, il devait se contenter d'en donner avis au roi pour sa décision.<sup>25</sup> S'il voyait même que le Conseil souverain, par l'intérêt des conseillers, refusait de rendre la justice due, ou contrevenait manifestement aux ordonnances royales, l'intendant pouvait travailler à réprimer ces désordres de concert avec le gouverneur, mais sans violence et sans jamais, sous quelque prétexte que ce fût, obliger un conseiller à repasser en France. Là encore il devait se contenter de mettre le roi au courant des faits.<sup>26</sup> Car il ne pouvait, même au cas de méconduite, interdire de sa propre autorité un officier de justice, mais si la chose devenait nécessaire, il pouvait le faire, mais de concert avec le gouverneur par une ordonnance qui devait être envoyée au roi.<sup>27</sup> L'intendant pouvait, d'autre part, surseoir à l'exécution d'un jugement du Conseil souverain, s'il jugeait qu'il contenait des dispositions contraires au service du roi ou au bien public, jusqu'au temps où, après avoir conféré avec le gouverneur, ils eussent convenu d'une solution, s'ils ne préféraient attendre là-dessus des ordres du roi.<sup>28</sup>

Cette surveillance des juges et des cours, l'intendant l'exerçait encore, en tenait le roi et le ministre au fait de la conduite des officiers de justice. De concert avec le gouverneur, il en écrivait à Versailles et proposait, en même temps, des sujets pour les places vacantes.<sup>29</sup> Dans ses dépêches personnelles, il était aussi dans l'habitude d'adresser au ministre des listes, avec apostilles, des magistrats et des procureurs, où il appréciait leurs bonnes et mauvaises qualités.<sup>30</sup> Il signalait ainsi les juges incapables de tenir leur emploi ou qui s'acquittaient mal de leurs fonctions. Le roi les relevait alors ou leur adressait des réprimandes. Cependant, l'intendant ne devait jamais traiter les juges cavalièrement, mais avec douceur, et les soutenir de son autorité.<sup>31</sup>

<sup>21</sup> *Edits et Ord.* II. Ordonnance portant règlement pour remédier à plusieurs abus qui se commettent dans l'administration de la Justice par les Officiers de la Juridiction Royale de Montréal 25 juin 1739, p. 380.

<sup>22</sup> *Arch. Col. B.* vol. 53-2. Mémoire du Roy pour servir d'instruction au Sr. Hocquart. . . 22 mars 1729, p. 25.

<sup>23</sup> *Edits et Ord.* II, Ordonnance qui règle la tenue des Registres du Greffe de la Juridiction de Montréal et autres dispositions, 26 juin 1743, p. 386.

<sup>24</sup> *Ordonnances des Intendants.* XII, Ordonnance renvoyant le Sr Raby à se pourvoir devant M. André commis à cet effet à la place du Sr de l'Épinay pour l'expédition du brigantin le St-François, 12 mai 1733, pp. 86-7.

<sup>25</sup> *Arch. Col. B.* vol. 8, Instructions que le Roy veut estre mise ès mains du Sr de Meules 10 mai 1682, p. 101.

<sup>26</sup> *Ibid.*

<sup>27</sup> *Arch. Col. F3*, vol. 6, Extrait, de la lettre du ministre au Sr de Meules, 20 mars 1685, p. 310.

<sup>28</sup> Moreau de Saint-Méry, *Lois et constitutions des Colonies françoises*, I. Lettre du Ministre au Gouverneur Général des Isles touchant la suspension d'un arrêt par l'intendant des dites Isles, 26 décembre 1703, p. 717.

<sup>29</sup> *Arch. Col. B.* vol. 101, Mémoire du Roy pour servir d'instruction aux Srs de Vaudreuil de Cavagnal. . . et Bigot. . . 22 mars 1755, p. 58.

<sup>30</sup> *Arch. Col. F3*, vol. 9, Le ministre à Raudot, 6 juin 1708, p. 145.

<sup>31</sup> *Arch. Col. F3*, vol. 9, Extrait de la lettre du ministre à M. Raudot, 6 juin 1708 pp. 139-140.



Toute vaste qu'elle fût, l'autorité de l'intendant ne lui permettait pas de nommer des juges, ni même des procureurs du roi.<sup>32</sup> Seul entre tous, Talon reçut personnellement ce pouvoir, mais seulement dans les endroits où la Compagnie des Indes n'avaient pas établi de cours.<sup>33</sup> Cependant, les intendants pouvaient, par intérim et par provision, sous le bon plaisir du roi, faire la nomination des juges,<sup>34</sup> des procureurs du roi<sup>35</sup> et des greffiers.<sup>36</sup> Mais ils détenaient le droit de pourvoir aux charges d'huissiers du Conseil souverain et de greffier de la maréchaussée.<sup>37</sup> De même, ils nommaient les notaires et pouvaient également les interdire.<sup>38</sup> Avec le gouverneur, l'intendant devait veiller à prévenir l'établissement dans la colonie des avocats et des procureurs.<sup>39</sup> Enfin, à la fin du régime, ce sont eux qui, conjointement avec le gouverneur, font la nomination des assesseurs au Conseil supérieur de Québec.<sup>40</sup>

Mais le rôle des intendants allait encore plus loin. Il s'étendait jusqu'à créer, à l'occasion, une nouvelle procédure afin de faciliter l'administration de la loi. Ainsi Bégon autorisa les missionnaires à recevoir les testaments sur le même pied que les curés et les vicaires.<sup>41</sup> De son côté, Raudot établit une modification dans la confection des baux judiciaires des biens des mineurs.<sup>42</sup> Aussi Hocquart pouvait-il déclarer avec raison que le roi avait conféré aux intendants des colonies des prérogatives particulières.<sup>43</sup>

En dehors de la direction et de la surveillance générale de la justice, l'intendant remplissait certaines fonctions de judicature fort importantes. D'abord, il avait la présidence effective du Conseil souverain, le plus haut tribunal du pays. Il remplissait toutes les fonctions de président, même en présence du gouverneur, demandait les avis, recueillait les voix, prononçait et signait les arrêts.<sup>44</sup> C'est lui qui convoquait les séances extraordinaires du Conseil.

De plus, par sa commission, il était de sa compétence d' " informer de toutes entreprises pratiques et menées " contre le service du roi, de juger en dernier ressort tous les crimes contre la sûreté de l'Etat, assemblées illicites, séditions et monopoles, en appelant avec lui le nombre de juges et gradués fixé par la loi et de parfaire le procès jusqu'à exécution du jugement inclu-

<sup>32</sup> *Arch. Col. B.* vol. 7, Le Ministre à M. Duchesneau, 15 mai 1678, p. 302.

<sup>33</sup> *Edits et Ord.* I. Arrêt du Conseil d'Etat qui ordonne à M. Talon de faire des Règlements de Police, 4 juin 1672, p. 72.

<sup>34</sup> *Ordonnances des Intendants.* I. Commission au sieur Deschambault pour continuer de faire la charge de lieutenant général à Montréal, 13 septembre 1705, p. 21.

<sup>35</sup> *Edits et Ord.* III. Commission de Substitut du Procureur du Roi en la Prévoté de Québec pour M. Perthuis, 23 novembre 1753, p. 113.

<sup>36</sup> *Edits et Ord.* II. Ordonnance qui permet au sieur David praticien d'exercer l'office de greffier de la juridiction royale de Montréal conformément au bail qui lui en a été fait, 10 mars 1719, p. 290.

<sup>37</sup> *Arch. Col. F3.* vol. 5. Pouvoir au Sr Duchesneau de commettre aux charges d'huissier du Conseil souverain du Canada et de greffier de la Maréchaussée dudit pays, 29 mai 1680, p. 503.

<sup>38</sup> *Edits et Ord.* II. Ordonnance qui interdit Abel Michon, notaire de ses fonctions pendant trois mois. . . . 2 mars 1715, p. 284; Ordonnance qui commet le Sieur de Courville pour faire les fonctions du Notaire Royal dans toute l'étendue de l'Acadie Française, 28 mars 1754, p. 417.

<sup>39</sup> *Arch. Col. B.* Vol. 83. Mémoire du Roy pour servir d'instruction aux Srs de la Jonquière. . . . et Hocquart, 1 avril 1746, p. 153.

<sup>40</sup> *Edits et Ord.* I. Lettres patentes en forme d'édit concernant les Assesseurs aux Conseils supérieurs des Colonies, août 1742, p. 562.

<sup>41</sup> *Edits et Ord.* II. Ordonnance qui autorise les Missionnaires de recevoir les Testaments des Habitants en présence de trois témoins, 30 avril 1722, p. 296.

<sup>42</sup> *Edits et Ord.* III. Jugement qui ordonne et règle qu'à l'avenir les Baux judiciaires seront faits dans la justice des Seigneuries devant les juges lorsqu'ils tiendront leurs audiences, etc. . . . 26 mars 1710, p. 147.

<sup>43</sup> *Arch. col. C11 A.* vol. 85. Hocquart au ministre, 8 septembre 1746, p. 335.

<sup>44</sup> *Edits et Ord.* III. Commission d'Intendant de la Justice, Police et Finances en Canada, la Louisiane et dans toutes les terres et Isles dépendantes de la Nouvelle France pour Monsieur Bigot, 1 Janvier 1748, p. 75.

sivement.<sup>45</sup> Car tout acte contre le gouvernement relevait de la juridiction de l'intendant.<sup>46</sup>

Par sa commission également, l'intendant recevait exclusivement la connaissance de tout ce qui concernait la levée et la perception des droits tant en matière civile qu'en matière criminelle.<sup>46a</sup> Ainsi relevaient de lui toutes les affaires de contrebande, de fraude, de non-paiement des impôts et de fausse monnaie.<sup>46b</sup> A quoi s'ajoutait la juridiction, fort importante au pays, des contestations relatives au castor,<sup>46c</sup> tant au civil qu'au criminel,<sup>46d</sup> qui était, privativement aux autres juges, réservée à l'intendant jugeant en dernier ressort.<sup>46e</sup> C'était encore à l'intendant de connaître des contraventions résultant du commerce du castor et des marchandises avec les colonies anglaises.<sup>46f</sup> Enfin, tout ce qui concernait le domaine du roi, propriété usage et revenus, relevait de lui privativement aux autres juges.<sup>46g</sup>

Par exception, l'intendant en Canada possédait une attribution spéciale: celle de juge-consul, comme on appelait les juges des tribunaux de commerce.<sup>47</sup> La juridiction consulaire, qui avait pour but d'abrèger les procès entre marchands, prenait connaissance des causes qui pouvaient naître des billets, des ventes, des salaires, des assurances, en un mot, de tous les différends qui pouvaient surgir entre gens du commerce seulement.<sup>48</sup> La procédure suivait les formes prescrites par l'Ordonnance de 1667. Cette juridiction était acceptée par le roi qui, dans ses instructions, recommandait à l'intendant de l'exercer lui-même, le plus sommairement possible, pour le bénéfice des marchands de France qui vendaient leurs cargaisons dans la colonie.<sup>49</sup>

L'intendant possédait encore une juridiction qui lui était spéciale et facultative: celle de juger, à son gré, les contestations sommaires, qui embrassaient toutes les petites causes depuis une livre ou vingt sous jusqu'à cent livres. Il pouvait les entendre lui-même ou conférer ce droit à des subdélégués.<sup>50</sup> Dans ces causes, le jugement de l'intendant était sans appel.<sup>51</sup> Quelle que fut l'origine de cette compétence, le ministre approuvait l'intendant Hocquart de la pratiquer. Il la trouvait très louable à tous égards, car elle évitait aux plaideurs des frais de voyage et de procédure. Elle permettait, en plus, de bien connaître la conduite et les caractères des habitants. Aussi le ministre suggérait-il que le commissaire de la Marine à Montréal, qui était le subdélégué d'office de l'intendant, la mît en pratique dans cette ville.<sup>52</sup>

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ordonnances des Intendants*. I. Commission de sub-délégué au Sr Deschambault lieutenant général de Montréal pour faire le procès aux rebelles de la coste, 26 octobre 1705, pp. 17-18.

<sup>46a</sup> *Edits et Ord.* III. Commission d'Intendant de Justice, Police et Finance en Canada. . . . pour M. Bigot, 1 janvier 1788, p. 76.

<sup>46b</sup> *Anciennes Lois françaises*, XVI, Edit de création des Intendants, Neuchâtel, mai 1635, pp. 443-7.

<sup>46c</sup> *Arch. Col.* F3, vol. 4-2, Arrêt du Conseil d'Etat, 4 Juin 1675, p. 753.

<sup>46d</sup> *Edits et Ord.* I. Arrêt du Conseil d'Etat du roi au sujet du commerce des Castors, 25 juin 1707, p. 304.

<sup>46e</sup> *Ibid.* Arrêt du Conseil d'Etat du Roi portant Règlement pour la recette des castors, 11 juillet 1718, p. 398; Déclaration du Roi qui rectifie son Ordonnance du 6 Juillet 1709, au sujet de la fraude des Castors, 6 mai 1715, p. 347.

<sup>46f</sup> *Ibid.* p. 347.

<sup>46g</sup> *Edits et Ord.* IV. Jugement qui, à la requête du Directeur Général des Fermes du Roi déclare nulles les sentences et toute la procédure qui s'en est ensuivie au sujet de la succession de François Joseph Peyre dit Carpentras en déshérence, 3 mai 1724, p. 210.

<sup>47</sup> Cugnet, *Traité de la loi des fiefs*, p. 71.

<sup>48</sup> *Anciennes Lois françaises*, XVI. Déclaration sur la juridiction et la compétence des juges-consuls, Paris, 2 octobre 1610, p. 14.

<sup>49</sup> *Arch. Col.* B. 52-2, Mémoire du Roy aux Srs Marquis de Beauharnois et Hocquart, 19 avril 1729, p. 359.

<sup>50</sup> Cugnet, *Traité de la loi des fiefs*, p. 70; Smith, *History of Canada*, I, Appendix, pp. 8-11.

<sup>51</sup> Shortt & Doughty, *Documents relating to the Constitutional History of Canada*, p. 40.

<sup>52</sup> *Arch. Col.* B. vol. 76-1 à Mrs de Beauharnois et Hocquart, 15 avril 1743, p. 179.



En outre d'être juge, l'intendant pouvait encore être arbitre par voie d'accommodement. Quand les parties en désaccord acceptaient, d'un commun consentement, de s'en rapporter à son jugement, le roi permettait à l'intendant de régler ces différends, mais à titre d'arbitre choisi et nommé par les parties. Le roi ne voulait pas que, par autorité ou persuasion, les parties fussent aucunement amenées à se soumettre à ses décisions.<sup>53</sup>

Une juridiction importante de l'intendant était celle qui se rattachait aux terres en seigneurie. Avec le gouverneur, il jugeait toutes les contestations entre les concessionnaires de fiefs, quand elles se rapportaient à la validité, à la situation et aux limites des concessions.<sup>54</sup> Ensemble encore, ils concédaient les terres que les censitaires, après sommation, ne pouvaient obtenir des seigneurs,<sup>54a</sup> mais il appartenait à l'intendant seul de juger les difficultés entre seigneurs et censitaires quant à la réunion aux seigneuries des terres non mises en valeur.<sup>55</sup>

Autre juridiction se rattachant au régime seigneurial, c'était à l'intendant de décider les différends provenant des droits de chasse et de pêche, que recevaient les censitaires par leurs titres de concession.<sup>56</sup> Cette juridiction en matières de droits seigneuriaux allait beaucoup plus loin. Car l'intendant était, en ce domaine, l'interprète de la coutume. Il décidait, à la fois, de la lettre et de l'esprit de la loi, quand les parties portaient leurs plaintes devant son tribunal. Il n'hésitait pas à modifier les textes des contrats et à changer les dispositions habituelles.<sup>57</sup>

A son titre de chef de la police, l'intendant était juge, à l'exclusion de tout autre, des affaires qui intéressaient la police.<sup>58</sup> Entre autres attributions, c'était à lui qu'on en appelait des opérations et décisions du grand-voyer, qui était sous ses ordres.<sup>59</sup> En conséquence, de lui relevait tout le contentieux résultant de la voirie, ce qui voulait dire les chemins, ponts, bacs, entretien des rues et constructions dans les villes.<sup>60</sup> De même, il appartenait à l'intendant de juger les contraventions, au sujet des permissions de tenir cabaret dans la campagne.<sup>61</sup> C'était aussi à l'intendant de connaître seul les contestations qui pouvaient résulter des congés de traite.<sup>62</sup> Par arrêt spécial, l'intendant recevait encore l'attribution des procès qui pouvaient naître de l'ouverture des mines de fer. Il en connaissait en première instance à l'exclusion des autres cours, sauf appel au Conseil du roi.<sup>63</sup>

<sup>53</sup> *Arch. et Col. B.* vol. 8, Instruction que le Roy veut estre mise es mains du Sr de Meules, 10 mai 1682, p. 102.

<sup>54</sup> *Edits et Ord. I.* Déclaration du Roi concernant les Concessions dans les Colonies, 17 juillet 1743, p. 573.

<sup>54a</sup> *Edits et Ord. I.* Arrêt du Roi qui ordonne que les terres dont les concessions ont été faites, soient mises en culture et occupées par des habitants, 6 juillet 1711, p. 325.

<sup>55</sup> *Edits et Ord. I.* Arrêt du Roi qui déchoit les habitants de la propriété des terres qui leur avaient été concédées, s'ils ne les mettent en valeur, en y tenant feu et lieu dans un an et jour de la publication du dit arrêt, 6 juillet 1711, p. 326.

<sup>56</sup> *Arch. Col. F3*, vol. 142, Mémoire sur les fonctions du gouverneur et de l'intendant en Canada, fol. 196.

<sup>57</sup> *Edits et Ord. II.* Ordonnance en faveur des Habitants de Notre Dame des Anges portant que la Clause de confiscation insérée dans leurs Contrats de concession, contre ceux qui donneront de l'eau-de-vie aux sauvages ne tirera pas à conséquence, 8 juillet 1706, p. 262; Ordonnance au sujet de la réserve que les Seigneurs ont faite dans les contrats de concessions qu'ils ont donné à leurs tenanciers de prendre tous les bois qui leur seront nécessaires, 2 juillet 1706, pp. 262-3.

<sup>58</sup> Cugnet, *Traité de la police*, p. 1.

<sup>59</sup> *Edits et Ord. II.* Ordonnance qui enjoint à tous officiers de Milice et autres d'obéir au Sr. Lanouillier Grand-Voyer dans les fonctions de sa charge, 7 janvier 1731, p. 342.

<sup>60</sup> *Anciennes Lois françaises XVI*, Edit. de création des intendants. Neufchâtel, mai 1638, pp. 443-7.

<sup>61</sup> *Arch. Col. F3*, vol. 10 arrêt du Conseil d'Etat au sujet des cabarets dans les costes, 22 Mai 1754, p. 332.

<sup>62</sup> *Arch. Col. F3*, vol. 142. Mémoire sur les fonctions du gouverneur et de l'intendant en Canada, fol. 195.

<sup>63</sup> *Arch. Col. B.* vol. 54, II. Arrêt qui attribue à l'intendant de la Nouvelle-France la connaissance des procès qui pourraient naître à l'occasion de l'ouverture des mines de fer, 4 avril 1730, pp. 487-8.

En outre, l'intendant seul, ou avec le gouverneur, possédait certaines juridictions très particulières. Ainsi, par une décision spéciale, c'est à l'intendant et à six juges de son choix, que le roi remit de juger, en dernier ressort et sans appel, les procès pendants devant le Conseil souverain auxquels des conseillers étaient parties.<sup>64</sup> En outre, l'intendant et le gouverneur formaient le tribunal compétent à connaître des réclamations faites par les Sauvages au sujet des marchandises saisies, mais avec jonction du premier conseiller à Québec ou du juge royal à Montréal.<sup>65</sup> Ces deux administrateurs constituaient encore la cour devant laquelle devaient être portés les appels des jugements rendus par les commandants des postes, où l'intendant n'avait pas de subdélégué.<sup>66</sup> Enfin, il importe de signaler que l'intendant qui rendait de nombreux jugements et promulguait de multiples ordonnances, était, privativement aux autres juges, le seul tribunal compétent à juger les contestations qui résultaient des uns ou des autres. Il était fait défense aux autres cours de connaître de ces instances.<sup>67</sup>

Parmi les attributions judiciaires de l'intendant, une des plus importantes était son droit d'évoquer devant lui pour les juger, s'il l'estimait préférable, toutes affaires, même de police, tant civiles que criminelles. Car sa commission lui conférait le pouvoir de connaître de "tous crimes et délits, abus et malversations",<sup>68</sup> et Versailles admettait que l'intendant pût "s'attirer les affaires qu'il juge à propos."<sup>69</sup> Certains intendants usèrent, plus que les autres, de ce droit. Un ministre dut rappeler à de Meules qu' "il ne doit pas se rendre seul juge de tous les procès"<sup>70</sup> et un autre écrivit à Raudot de laisser aux juges "ce qui doit être de leurs fonctions".<sup>71</sup> Ces évocations se faisaient ou du propre mouvement de l'intendant ou à la demande de l'une des parties.<sup>72</sup> L'intendant pouvait également évoquer devant lui une cause pendante devant la cour seigneuriale,<sup>73</sup> devant une juridiction royale, ou même devant le Conseil souverain.<sup>74</sup> De même qu'il pouvait évoquer des causes, l'intendant pouvait référer à une autre juridiction une instance pendante devant lui ou devant ses subdélégués, s'il le jugeait à propos pour la meilleure administration de la loi.<sup>75</sup>

Avec ses multiples juridictions, l'intendant ne pouvait suffire à tout. Force lui était de se faire remplacer en vertu du droit de délégation. Il était libre de se nommer des substituts qu'on appelait ses subdélégués, parce qu'il était lui-même le délégué du roi. Ces subdélégués n'étaient point des fonctionnaires, mais de simples mandataires, qu'il nommait et révoquait à volonté. A Montréal le commissaire de la Marine était son subdélégué de droit. L'intendant pouvait en nommer le nombre qu'il lui

<sup>64</sup> *Edits et Ord.* I. Déclaration du Roi sur le jugement des causes de récusation et autres en Canada et sur les Requêtes civiles, mars 1685, pp. 253-4.

<sup>65</sup> *Ibid.* I. Arrêt du Conseil d'Etat du Roi touchant les réclamations de marchandises ou effets faites par les Sauvages du Canada, 28 avril 1716; p. 355.

<sup>66</sup> *Arch. Col. B.* vol. 74-2. Le ministre à Beauharnois et Hocquart, 20 avril 1742, pp. 341-2.

<sup>67</sup> *Edits et Ord.* III. Jugement qui rejette la sentence de M. Raimbault et ordonne que l'ordonnance de M. Randot, du 2 juillet 1707, sera exécutée selon sa forme et teneur.—14 septembre 1720, p. 183.

<sup>68</sup> *Ibid.* Commission d'Intendant de la Justice, Police et Finances en Canada, la Louisiane et dans toutes les terres et isles dépendantes de la Nouvelle-France pour M. Bigot, 1 janvier 1748, p. 75.

<sup>69</sup> *Arch. Col. F3*, vol. 9. Extrait de la lettre du ministre à M. Raudot, père, 6 juin 1708, p. 141.

<sup>70</sup> *Arch. Col. B.* vol. 11. Au Sieur de Meules, 10 avril 1684, p. 33.

<sup>71</sup> *Arch. Col. F3*, vol. 9, Extrait de la lettre du ministre à M. Raudot père, 6 juin 1708, p. 139.

<sup>72</sup> *Ordonnances des Intendants*, V, Ordonnance entre Nicolas et Jean Trudel et Nolin, habitants de la paroisse St-Pierre en l'isle d'Orléans, 30 janvier 1718, p. 273.

<sup>73</sup> *Ibid.* VII Ordonnance portant évocation d'instance entre Antoine Olivier Quiniart et Pierre Noël. . . 2 août 1722, p. 219.

<sup>74</sup> *Ibid.* Ordonnance portant évocation d'instance entre Marie Duval femme de Jacques Beaufort, farinier de la Coste Lauzon et Jean Pierre et Nicolas Demers, 8 novembre 1722, p. 280.

<sup>75</sup> *Ibid.* I, Entre le sieur de la Gauchetière et Villier, 4 juin 1707, p. 280.



plaisait et leur donner la juridiction qu'il jugeait préférable. Ainsi il pouvait octroyer une commission générale pour entendre les causes sommaires ou des affaires de police,<sup>76</sup> ou encore une commission restreinte à une certaine juridiction,<sup>77</sup> ou même limitée à une seule affaire.<sup>78</sup> De leurs jugements, on ne pouvait en appeler qu'à l'intendant.<sup>79</sup> Car il n'était reçu au Conseil du roi aucun appel des ordonnances rendues par les subdélégués, sauf aux parties de s'adresser aux intendants pour y être pourvus ainsi que ce dernier le jugeait bon.<sup>80</sup>

Dans ses multiples attributions judiciaires, l'intendant ne se considérait pas strictement lié à suivre la loi ou la procédure régulière. Sans doute, écrivait un ministre, il convient que l'intendant soit, "autant qu'il le pourra, le premier observateur des règles, sans quoi tout deviendrait arbitraire", mais, ajoute-t-il, "je sais bien que les intendants ne doivent pas être scrupuleusement attachés à la formalité des procédures, mais enfin il convient de s'assujettir autant qu'il est possible aux ordonnances et à la coutume."<sup>81</sup> Ainsi, l'intendant Raudot ne se gênait pas pour renverser ses propres ordonnances.<sup>82</sup>

Des jugements de l'intendant dans les diverses sphères de sa juridiction, sauf dans les causes sommaires qui étaient sans appel,<sup>83</sup> on pouvait en appeler au Conseil du roi en France.<sup>84</sup> Mais ces appels ne furent guère nombreux au cours du régime, vu l'éloignement du tribunal d'appel et le coût des procédures.

Après le justice, les finances constituaient le second domaine exclusif de l'intendant, qui devait en "être chargé seul".<sup>85</sup> L'administration des fonds des vivres et des munitions et, généralement, tout ce qui se rapportait aux magasins et à la caisse lui appartenait uniquement. Aucun paiement, aucune vente, aucune consommation ne devait se faire que sur ses ordres.<sup>86</sup> A lui étaient consignés les fonds annuels qui venaient de France et seul un ordre de lui pouvait autoriser le commis des Trésoriers de la Marine à Québec à s'en servir. Sans cet ordre, ce dernier encourait le risque d'une punition ou d'une destitution, selon la gravité du cas.<sup>87</sup> C'était encore à l'intendant qu'étaient consignées les marchandises et les munitions du roi, et les gardes-magasins n'en étaient responsables qu'à lui; lui seul pouvait donner un ordre en permettant l'emploi.<sup>88</sup>

Dépositaire des fonds, c'était l'intendant qui donnait ordre de payer les appointements des officiers et la solde des soldats, les traitements des officiers de justice et le salaire de tous les fonctionnaires, ainsi que les

<sup>76</sup> Cugnet, *Traité de la loi des fiefs*, p. 70.

<sup>77</sup> *Ordonnances des intendants*, III, Commission de sub-délégué de M. l'Intendant à Montréal au Sr Raimbault, 16 novembre 1709, p. 194.

<sup>78</sup> *Ibid.* I. Commission de subdélégué au Sr Deschambault lieutenant général de Montréal pour faire le procès aux rebelles de la coste, 26 octobre 1705, p. 17.

<sup>79</sup> Cugnet, *Traité de la loi des fiefs*, pp. 70-71.

<sup>80</sup> *Anciennes Lois françaises XXII*, Règlement concernant la procédure au conseil, Versailles, 28 juin 1738, p. 57.

<sup>81</sup> *Arch. Col. F3*, vol. 9, Extrait de la lettre du ministre à M. Raudot père, 6 juin 1708, p. 140.

<sup>82</sup> *Edits et Ord.* II. Ordonnance au sujet du chemin de Ste-Famille, 14 juin 1710, p. 379. "Sans nous arrêter à toutes les ordonnances que nous avons rendues au sujet desdits chemins, que nous avons cassé et annulé" déclare Raudot.

<sup>83</sup> Shortt & Doughty, *Documents relating to the Constitutional History of Canada*, p. 40.

<sup>84</sup> *Anciennes Lois françaises, XXII*, Règlement concernant la procédure du Conseil, Versailles, 28 juin 1738, p. 57.

<sup>85</sup> *Arch. Col. B*, vol. 87. Mémoire du Roy pour servir d'Instruction au Sr Bigot, intendant de la Nouvelle France, 23 février 1748, p. 130.

<sup>86</sup> *Ibid.* vol. 101, Mémoire du Roy pour servir d'Instruction aux Srs Vaudreuil de Cavagnal. . . . et Bigot. . . . 22 mars 1755, pp. 57-58.

<sup>87</sup> *Ibid.* vol. 52-2, Mémoire pour servir d'Instruction au Sr. Hocquart, 18 avril 1729, p. 326.

<sup>88</sup> *Arch. Col. C11 A*, vol. 33, Mémoire sur l'état présent du Canada, 1712, p. 406.

allocations aux communautés religieuses.<sup>89</sup> Toutes les dépenses portées au budget de la colonie s'exécutaient sous sa direction, nulle ne pouvait se faire, même dans un cas d'utilité publique, sans passer par son intermédiaire.

De plus, par sa commission, l'intendant avait seul la connaissance et la direction souveraine de tout ce qui concernait la levée et la perception des droits du Domaine d'Occident en Canada et de tous les autres droits qui existaient dans le pays. C'était à lui également de faire la distribution des deniers provenant de ces droits.<sup>90</sup> Le directeur du Domaine qui servait sous lui, remettait, sur son ordre, les fonds perçus au commis des Trésoriers, qui ne pouvait en faire usage que sur ses instructions.<sup>91</sup> A ce même titre de chef du Domaine, c'était l'intendant qui avait la haute direction de la traite qui se faisait dans certains postes au nom et au compte du roi.<sup>91a</sup> Tous les ans, il en faisait le sujet d'un compte rendu à Versailles.<sup>91b</sup> Il recevait également entre ses mains le produit de ces traites.<sup>91c</sup> Mais l'établissement de ces postes ne pouvait se faire que sur l'ordre du roi.<sup>91d</sup> Quant aux postes affermés, c'était à l'intendant d'en conduire l'adjudication et d'en passer les contrats, mais il devait au préalable en conférer avec le gouverneur à cause des Sauvages qui relevaient de ce dernier.<sup>91e</sup>

Chargé du contrôle des droits royaux, l'intendant avait encore la direction des impositions qui pouvaient, à l'occasion, être établies pour des fins spéciales. Ainsi fut-il chargé de la direction des impositions levées pour la construction de l'enceinte de Montréal. Il en surveilla la perception et l'emploi.<sup>92</sup> Mais cette autorité en matière d'impôt s'arrêtait là. Seul ou avec le gouverneur, l'intendant ne pouvait ordonner une imposition quelconque. C'était là un droit de souveraineté que le roi ne communiquait à personne. Pour ordonner une imposition nouvelle, même pour la défense du pays, et payable par ses habitants, il fallait au gouverneur et à l'intendant convoquer une assemblée des notables, y arrêter le projet et pourvoir aux fonds nécessaires. Cette délibération restait suspendue jusqu'à ce que le roi l'eût approuvée, hormis d'une nécessité immédiate, interdisant tout retard. Même dans ce cas, il fallait faire accepter l'imposition par l'assemblée des notables.<sup>93</sup>

Dépositaire des fonds en espèces et en nature et directeur de la levée et de l'usage des deniers royaux, l'intendant avait en Canada une troisième fonction extrêmement importante. Il était le grand argentier de la colonie qui possédait un système particulier de monnaie. On l'appelait la monnaie

<sup>89</sup> *Ibid.* B. vol. 87, Mémoire du Roy pour servir d'instruction au Sr Bigot, Intendant de la Nouvelle-France, 23 février 1748, pp. 132-3.

<sup>90</sup> *Edits et Ord.* III, Commission d'Intendant de la Justice Police et Finances en Canada, la Louisiane et dans toutes les terres et isles dépendantes de la Nouvelle France pour M. Bigot, 1 janvier 1748, p. 75.

<sup>91</sup> *Arch. Col.* F3, vol. 142, Mémoire sur les fonctions du gouverneur et de l'intendant en Canada, fol. 195.

<sup>91a</sup> *Ordonnances des Intendants* I, Commission au Sr de la Gorgendière pour exploiter le Fort de Frontenac, 23 février 1706, pp. 11-12.

<sup>91b</sup> *Arch. Col.* B. vol. 53-2, Mémoire du roy pour servir d'instruction au Sr Hocquart. . . 22 mars 1729, pp. 260-1.

<sup>91c</sup> *Arch. Col.* B. vol. 87 Mémoire du roy pour servir d'instruction au Sr Bigot, intendant de la Nouvelle-France, 23 février 1748, p. 129.

<sup>91d</sup> *Arch. Col.* B. Vol. 53-2, Mémoire du Roy aux Srs Marquis de Beauharnois et Hocquart, 18 avril 1729, pp. 377-8.

<sup>91e</sup> *Arch. Col.* B. vol. 48-2, A. M. de Vaudreuil, 1<sup>er</sup> août 1725, pp. 141-2; C<sup>11</sup> A, vol. 93, Bigot au ministre, 4 octobre 1749, p. 284.

<sup>92</sup> *Arch. Col.* B. vol. 53-2, Mémoire du Roy aux Srs Marquis de Beauharnois et Hocquart, 17 avril 1728, p. 385.

<sup>93</sup> *Arch. du Ministère des Colonies.* B. vol. 72. Mémoire du Roy aux Srs Mis de Champigny Gouverneur et lieutenant général pour S. M. aux Isles du Vent, et La Croix, Intendant aux dites Isles, 2<sup>e</sup> septembre 1741, fol. 116.



de cartes parce qu'elle se fabriquait sur place avec des cartes à jouer. Or, c'était l'intendant qui, parfois de sa propre autorité, et plus souvent, sur les instructions de Versailles, dirigeait et surveillait cette fabrication. Il arriva, plus d'une fois, que, se trouvant à court de fonds, il en émit de sa propre initiative. Le seul contrôle de ses émissions consistait dans le procès-verbal qui en était rédigé, signé par le gouverneur, l'intendant et le contrôleur de la Marine à Québec. Ces trois fonctionnaires signaient ou initiaient chacune des cartes ainsi fabriquées.

Mais, à côté de la monnaie de cartes, dont l'émission était généralement surveillée et strictement limitée par les ministres, l'intendant fabriquait encore une autre espèce de monnaie, qui était les billets de caisse reçus en blanc de France et qu'il remplissait lui-même selon les besoins et les circonstances, sans aucun contrôle immédiat.<sup>94</sup> En outre, c'était encore l'intendant, laissé à lui-même, qui fixait le montant des lettres de change à tirer sur les Trésoriers de la Marine à Paris pour solder une partie des dépenses du pays. Quoique le chiffre en fut souvent fixé par le ministre, et l'ordre toujours donné de ne pas excéder l'état du roi,<sup>95</sup> l'intendant ne se gênait guère, à la moindre pression des circonstances, pour dépasser le montant de l'année. Enfin, de bonne heure, ce fut l'intendant seul qui prit l'habitude de fixer le cours des monnaies dans le pays,<sup>96</sup> quoique, parfois, le gouverneur se joignit à lui pour en faire le sujet d'une ordonnance.

Parce qu'il était contrôleur de la bourse, l'intendant était aussi le directeur des travaux publics. C'était lui qui en réglait les conditions et en passait les contrats.<sup>96a</sup> Mais il ne devait ordonner des travaux de fortifications que sur les ordres du roi, sous peine de responsabilité personnelle. Mais il pouvait, chaque année, faire exécuter les réparations nécessaires, tant aux fortifications qu'aux bâtiments du roi.<sup>96b</sup> A l'occasion des travaux publics, il pouvait imposer des corvées à la population, les obligeant même à fournir certains matériaux.<sup>96c</sup> Quant aux achats de toute espèce, matériaux ou vivres, pour le service du roi dans la colonie, ils se faisaient toujours sous la direction de l'intendant.<sup>96d</sup>

Ainsi, dans le domaine des finances, l'autorité de l'intendant régnait souveraine. Hors de la surveillance et des instructions ministérielles, ses seules restrictions, peu importantes d'ailleurs, lui venaient du gouverneur. D'abord, l'intendant devait établir avec lui le projet du budget annuel et, naturellement, dans les parties qui relevaient de lui, questions militaires et indiennes, il devait accepter les propositions du gouverneur. Même dans les matières qui leur étaient communes, l'opinion du représentant du roi devait prédominer.<sup>97</sup> Une fois le budget adopté par Versailles, il suffisait, pour les dépenses prévues sur l'état du roi et concernant le bien du service militaire, que le gouverneur en demandât l'exécution: l'intendant ne devait

<sup>94</sup> *Ordonnances des Intendants*, I. Ordonnance pour faire valider les cartes, Raudot, 24 octobre 1705, pp. 16-17.

<sup>95</sup> *Arch. Col. B.* vol. 53-2 Mémoire du Roy aux Sieurs Marquis de Beauharnois et Hocquart, 14 avril 1729, p. 365.

<sup>96</sup> *Ordonnances des Intendants*, I. Ordonnance pour les pièces de quatre sols et les sols marqués, 5 décembre 1705, pp. 41-2.

<sup>96a</sup> *Arch. Col. B.* Vol. 53-2, Mémoire du Roy pour servir d'Instruction au Sr. Hocquart, 19 avril 1729, p. 246.

*Ordonnances des Intendants*, I. Ordonnance pour l'adjudication des fortifications, 29 novembre 1705, p. 37.

<sup>96b</sup> *Arch. Col. B.* vol. 53-2 mémoire du Roy pour servir d'Instruction au Sr Hocquart, 22 mars 1729, pp. 249-250.

<sup>96c</sup> *Ordonnances des Intendants*, I. Ordonnance pour faire des pieux de cèdre dans le gouvernement des Trois-Rivières, 23 janvier 1706, p. 62.

<sup>96d</sup> *Arch. Col. B.* vol. 97, A. M. Bigot, 18 juin 1753, pp. 186-7.

<sup>97</sup> *Arch. Col. C<sup>11</sup>* A. vol. 83, Hocquart au ministre, 24 septembre 1745, p. 325.

y apporter aucune difficulté. Mais, hors de ces cas, c'était l'avis de l'intendant, surtout en son domaine des finances, qui devait s'exécuter. Il n'était tenu que de communiquer un état de la question au gouverneur, qui déferait à ses raisons.<sup>98</sup> Mais ce dernier pouvait demander à l'intendant de lui remettre des états des vivres et des munitions afin d'être bien au courant des ressources du moment. Enfin, si le gouverneur jugeait à propos de faire quelque dépense extraordinaire, l'intendant devait l'ordonner, mais le gouverneur ne devait le faire que dans un cas de nécessité absolue dont il rendait compte à Versailles,<sup>99</sup> et cette nécessité devait être telle qu'elle ne permît pas d'attendre les ordres du roi.<sup>100</sup> Car même la jonction du gouverneur et de l'intendant ne légitimait pas une dépense imprévue, si elle n'était pas de nécessité immédiate, la règle étant de ne faire aucune dépense, qui ne fût autorisée par le roi.<sup>101</sup>

Dans le domaine militaire, qui relevait exclusivement du gouverneur, l'intendant possédait certaines attributions assez importantes. D'abord, il était membre de plein droit de tous les conseils de guerre. De plus, si le gouverneur ordonnait seul les partis de guerre, c'était à l'intendant de fournir l'équipement, les vivres et les munitions.<sup>102</sup> Il pouvait alors exercer une discrétion considérable et restreindre souvent, sinon contrecarrer, les ordres du gouverneur. Mais il n'était pas dans l'ordre de pousser trop loin l'opposition: il ne devait pas refuser les demandes qui étaient pour le bien du service.<sup>103</sup> Mais si l'entreprise n'était pas absolument pressante et si les fonds manquaient, l'intendant pouvait alors se dérober après avoir donné ses raisons au gouverneur.<sup>103a</sup>

Au sujet des troupes, l'intendant devait veiller à ce que les capitaines remissent exactement aux soldats leur solde, leurs vivres et leurs habits. De même devait-il exiger le paiement de leurs gages quand ils travaillaient pour les habitants du pays.<sup>104</sup> Il devait faire tenir régulièrement par des commissaires des revues des troupes et dresser des rôles des officiers et des soldats avec la liste des soldats morts, déserteurs, congédiés, ou devenus habitants. Il devait encore voir à ce qu'on ne mît dans les compagnies ni valet d'officier, ni passe-volant. S'il s'en trouvait, c'était à lui de faire punir les coupables ainsi que les officiers responsables. Au cours des revues, les commissaires devaient examiner les armes, et l'intendant devait faire reprendre, sur la solde des capitaines, le prix de la réparation ou du remplacement des armes défectueuses, prix que ces derniers devaient retenir aux soldats.<sup>104a</sup> Au cas de rétention de solde par les officiers, c'était l'intendant qui devait en poursuivre la restitution.<sup>105</sup>

L'intendant pouvait aller plus loin; il devait s'opposer à ce que le gouverneur, par complaisance, mît des compagnies dans les quartiers où

<sup>98</sup> Moreau de Saint-Méry, *Loix et Constitutions des Colonies françaises de l'Amérique sous le vent*, I. Extrait de la lettre du Ministre à M. le Comte de Blénac, Gouverneur Général des Isles touchant la Prépondérance de l'Intendant en matière de Finances, 11 juin 1680, p. 341.

<sup>99</sup> *Arch. Col. B.* vol. 101. Mémoire du Roy pour servir d'instruction aux Srs Vaudreuil de Cavagnal et. . . Bigot. . . 22 mars 1755, pp. 57-58.

<sup>100</sup> *Ibid.* vol. 53-2. Mémoire du Roy aux Srs Marquis de Beauharnois, et Hocquart, 14 avril 1729, p. 363.

<sup>101</sup> *Arch. Col. B.* vol. 53-2 Mémoire du Roy aux Srs Marquis de Beauharnois et Hocquart, 14 avril 1729, pp. 389-390.

<sup>102</sup> *Arch. Col. B.* Mémoire du Roy pour servir d'instruction au Sr Bigot, 23 février 1748, p. 130.

<sup>103</sup> *Arch. Col. B.* vol. 11. Au Sieur de Meulles, 10 juillet 1684, p. 30.

<sup>103a</sup> *Arch. Col. B.* vol. 57, Le Ministre à Bégon, 10 juillet 1715, p. 688.

<sup>104</sup> *Arch. Col. B.* vol. 53-2. Mémoire du Roy pour servir d'instruction au Sr. Hocquart, 22 mars 1729, pp. 243-6.

<sup>104a</sup> *Ibid.*

<sup>105</sup> *Ibid.* vol. 101, Mémoire du Roy pour servir d'Instruction au Srs de Vaudreuil de Cavagnal—et Bigot, 22 mars 1755, p. 56.



les officiers avaient leurs établissements, afin de les faire travailler sur leurs terres.<sup>106</sup>

Au sujet des fortifications et des travaux militaires, c'était au gouverneur à prendre les décisions, mais après en avoir conféré avec l'intendant.<sup>107</sup> De même, la réparation et le remplacement des affûts et des canons devaient s'examiner en commun, à cause de la dépense qui regardait ce dernier.<sup>108</sup> Quant aux fournitures requises dans les postes pour leurs besoins réguliers ou pour des occasions extraordinaires, l'intendant les faisait délivrer par les gardes-magasins, attachés à ses postes, mais il fallait toujours pour autoriser ou valider leur emploi, le visa du gouverneur sur les états produits par les commandants. Quand il s'agissait de faire l'achat de telles fournitures, il appartenait à l'intendant d'en arrêter les prix avec les fournisseurs.<sup>109</sup>

Il convient de mentionner que c'était l'intendant qui avait la direction du logement des troupes et de leur nourriture chez les habitants,<sup>110</sup> et par suite c'était lui qui accordait l'exemption de loger les militaires.<sup>111</sup> De plus, dans les cantines attachées aux garnisons, l'intendant avait le contrôle des liqueurs consommées et dressait le règlement que l'on devait y observer.<sup>112</sup> D'autre part, l'intendant n'avait aucune autorité sur les officiers de milice, mais il était d'usage qu'il pût requérir leurs services pour les fins de justice et de police et leur confier l'exécution de ses ordres dans les campagnes où il n'y avait pas d'officiers de justice.<sup>113</sup> Enfin, l'intendant ne pouvait faire aucune ordonnance concernant le militaire. Il devait se contenter de faire exécuter celles du gouverneur et de faire exécuter les condamnations qu'elles portaient.<sup>114</sup>

Dans le domaine des affaires indiennes, qui relevait souverainement du gouverneur, l'intendant ne possédait qu'une vague juridiction qui se limitait à fort peu de chose. Il devait veiller à la conversion des Indiens et à l'instruction des convertis.<sup>115</sup> Mais, en fait, son activité se résumait au contrôle de la partie financière des missions.<sup>116</sup> Quant aux dépenses concernant les Indiens, présents, vivres, marchandises et munitions, c'était le gouverneur qui les ordonnait, mais l'intendant devait surveiller et contrôler ces dépenses.<sup>117</sup> Il avait encore la direction des cabarets à bière établis à Montréal pour chaque nation indienne afin de prévenir tout excès et désordre dans l'usage des boissons par des indigènes. Il devait faire punir ceux qui leur vendaient de l'eau-de-vie ou les enivraient avec d'autres boissons.<sup>118</sup> Les Sauvages qui vivaient dans la colonie relevaient, quant à la police et la justice, de l'intendant et du Conseil souverain. Dans les

<sup>106</sup> *Arch. Col. B.* vol. 53-2 Mémoire du Roy pour servir d'instruction au Sr Hocquart, 22 mars 1729, pp. 244-5.

<sup>107</sup> *Ibid.* p. 246.

<sup>108</sup> *Ibid.* vol. 52-1 A M. le Mis de Beauharnois, 14 mai 1738, pp. 56-66.

<sup>109</sup> *Ibid.* vol. 74-2. Le ministre à Beauharnois et Hocquart, 20 avril 1742, p. 340.

<sup>110</sup> *Arch. Col. C<sup>11</sup> A.* vol. 11, Champigny au ministre, 10 mai 1691, p. 351.

<sup>111</sup> *Ordonnances des Intendants.* I. Exemption de logement de guerre pour le Sr. Bergeron, 4 février 1706, p. 68.

<sup>112</sup> *Arch. Col. B.* vol. 89, A Mrs de la Jonquière et Bigot, 30 avril 1749, p. 133.

<sup>113</sup> *Edits et Ord.* II, Ordonnance au sujet des clôtures et Fossés de ligne, 10 juin 1721, p. 306; Ordonnance qui enjoint au Capitaine et aux Marguilliers de St-Joseph, Pointe Lévy de planter des piquets de chaque côté de l'église. . . 16 janvier 1759; p. 379; III, Jugement qui condamne trois habitants au Cap Santé en chacun cent sols d'amendes, pour avoir vendu des boissons sans permission, 8 janvier 1732, p. 266.

<sup>114</sup> *Arch. Col. B.* vol. 11. Au Sieur de Meules, 10 avril 1684, p. 31.

<sup>115</sup> *Arch. Col. B.* vol. 53-2 Mémoire du Roy pour servir d'instruction au Sr. Hocquart, 22 mars 1759, p. 240.

<sup>116</sup> *Arch. Col. B.* vol. 87 Mémoire du Roy pour servir d'instruction au Sr Bigot, 23 février 1748, p. 116.

<sup>117</sup> *Ibid.* p. 130.

<sup>118</sup> *Ibid.* vol. 53-2 Mémoire du roy pour servir d'instruction au Sr Hocquart, 22 mars 1729, p. 265.

différends qui survenaient entre Français et Sauvages libres, ni l'intendant ni le gouverneur n'avaient juridiction, mais ils pouvaient travailler à les régler par accommodement.<sup>119</sup>

Dans le domaine de la religion, qui lui était commun avec le gouverneur, l'intendant possédait une juridiction assez étendue. Il avait l'obligation générale de procurer l'avancement de la foi et de faire exécuter les ordonnances concernant la religion et les ecclésiastiques. Il devait aux curés tous les secours de son autorité pour réprimer les débauches et les scandales, mais il veillait également à ce que les curés n'inquiétassent pas leurs paroissiens mal à propos. Si le cas s'en présentait, il devait en donner avis à l'évêque et voir à ce que l'ordre fût rétabli.<sup>120</sup>

Il transmettait aux communautés les sommes que le roi leur accordait et il devait leur faciliter l'accomplissement de leur œuvre. A l'occasion, il faisait au roi des rapports sur l'utilité que la colonie tirait des communautés et ces dernières devaient lui remettre les états de leurs revenus, de leurs charges et de leurs dépenses, afin de le mettre en état de renseigner le roi.<sup>121</sup> En particulier, appartenait à l'intendant la surveillance des hôpitaux qui devaient servir aux troupes et aux équipages des vaisseaux, de préférence aux habitants. Il veillait à ce que les malades fussent bien traités, tout en empêchant les abus dans les dépenses. Il vérifiait les registres d'entrée et de sortie et voyait à l'augmentation du nombre de lits.<sup>122</sup> Enfin l'intendant était, avec le gouverneur, administrateur d'office des hôpitaux et nulle religieuse ne pouvait être reçue dans la communauté à moins que les stipulations de sa dot ne fussent approuvées par le gouverneur et l'intendant.<sup>123</sup>

Avec le gouverneur et l'évêque également, l'intendant travaillait de concert à la fixation des cures,<sup>124</sup> et c'était eux encore qui établissaient le district des paroisses, qui restait sujet à l'approbation du roi.<sup>125</sup> Mais c'était l'intendant seul qui rendait les ordonnances relatives à l'observance du culte, telle que le respect du dimanche,<sup>126</sup> le paiement des dîmes,<sup>127</sup> l'ordre de certaines cérémonies,<sup>128</sup> et autres matières semblables. Enfin, c'était de l'intendant seul que relevaient également les affaires des paroisses, c'est-à-dire tout ce qui concernait la construction des églises et des presbytères et la perception des répartitions nécessaires. C'était à lui qu'il fallait demander la permission de convoquer une assemblée des paroissiens, et c'était lui qui autorisait l'exécution de ses décisions<sup>129</sup> et

<sup>119</sup> *Arch. Col.* C11 A, vol. 6. Réponses du Roy 10 avril 1684, pp. 323-5.

<sup>120</sup> *Ibid.* B. vol. 53-2, Mémoire du Roy pour servir d'instruction au Sr Hocquart, 22 mars 1729, pp. 240-3.

<sup>121</sup> *Arch. Col.* vol. 53-2, Mémoire du Roy pour servir d'instruction au Sr Hocquart, 22 mars 1729, pp. 241-2.

<sup>122</sup> *Ibid.* vol. 87, Mémoire du Roy pour servir d'instruction au Sr Bigot, 23 février 1748, pp. 113-5.

<sup>123</sup> *Edits et Ord.* I. Arrêt du Conseil d'Etat au sujet des Dots des Religieuses, 15 mars 1732, pp. 529-530.

<sup>124</sup> *Arch. Col.* B. vol. 95. Mémoire du Roy pour servir d'instruction au Marquis Duquesne, 15 May 1752, pp. 68-69.

<sup>125</sup> *Edits et Ord.* I. Arrêt du Conseil d'Etat du Roi du trois mars 1722, qui confirme le règlement fait par Mrs de Vaudreuil et Bégon et M. l'Evêque de Québec pour le District des Paroisses de ce pays, en date du 20 septembre 1721, p. 443.

<sup>126</sup> *Ibid.* III. Ordonnance qui défend à tous les habitants du pays de faire travailler leurs Harnois les dimanches et les fêtes. . . 25 Mai 1709, p. 426.

<sup>127</sup> *Ibid.* II. Ordonnance rendue en faveur de M. Rescher, Curé de Saint-Antoine de Tilly contre les habitants de sa paroisse au sujet des dîmes, 21 août 1727, p. 484.

<sup>128</sup> *Ibid.* Ordonnance qui sur la représentation du sieur Miniac, vicaire général, ordonne que le Pain Bénit, les Cendres, les Rameaux, etc., seront d'abord présentés aux chantes revêtus de surplis, 15 avril 1737, p. 372.

<sup>129</sup> *Edits et Ord.* II. Ordonnance qui enjoint aux habitants de la seigneurie de la Chesnaie de s'assembler pour choisir et nommer quatre d'entre eux, pour, avec le curé, le seigneur et le capitaine, faire un état de la dépense à faire pour la construction de deux églises et presbytère, 16 avril 1722, pp. 295-6.



qui ordonnait, au besoin, aux contribuables de payer leur quote-part des travaux.<sup>130</sup>

Dans le domaine de la police, l'intendant partageait avec le gouverneur une juridiction commune,<sup>131</sup> du moins, en théorie. En fait, recevant, par sa commission, le titre d'intendant de police, avec pouvoir de faire les règlements nécessaires,<sup>132</sup> il en dirigeait presque toutes les parties souverainement. Car les attributions du gouverneur se limitaient surtout à la police d'entrée et de sortie du pays, avec pouvoir de faire avec l'intendant des ordonnances pour maintenir le bon ordre,<sup>133</sup> ou portant sur des matières importantes et pressées.<sup>134</sup> Sur les trois articles du peuplement, des terres et du commerce, le gouverneur recevait, il est vrai, des instructions spéciales d'agir de concert avec l'intendant, mais la mise en œuvre relevait particulièrement de ce dernier. Ainsi, tout le vaste domaine de la police, qui couvrait autrefois l'administration en général, tombait sous la direction de l'intendant. Par exemple, il se préoccupait d'assurer les bonnes mœurs<sup>135</sup> et de sauvegarder la santé publique,<sup>136</sup> déterminait le prix et la qualité des vivres et denrées,<sup>137</sup> réglementait la voirie, entretien des chemins, construction des maisons et prévention des incendies,<sup>138</sup> veillait à la tranquillité publique en prévenant ou punissant les crimes, s'occupait de l'éducation dans les campagnes,<sup>139</sup> réglait le travail des métiers,<sup>140</sup> encourageait l'industrie<sup>141</sup> et contrôlait la mendicité<sup>142</sup> et l'assistance publique.<sup>143</sup> Enfin, à cette juridiction de la police générale s'ajoutait encore la juridiction particulière des compagnes, qui étaient sans juges royaux,<sup>144</sup> juridiction qui couvrait non seulement la voirie, mais allait de l'élevage des bestiaux<sup>145</sup> et de l'entretien des clôtures<sup>146</sup> jusqu'à la défense aux habitants d'aller s'établir dans les villes.<sup>147</sup>

Mais, en Canada, les instructions royales assignaient à la police générale trois objets principaux, l'augmentation de la population, les terres et le commerce, qui relevaient en commun du gouverneur et de l'intendant.<sup>148</sup>

<sup>130</sup> *Ibid.* Jugement qui condamne les habitants de St-Sulpice à contribuer aux dépenses et travaux nécessaires pour la construction d'une Eglise, 30 juillet 1723, p. 206.

<sup>131</sup> *Arch. Col. B.* vol. 87, Mémoire du Roy pour servir d'instruction au Sr Bigot, intendant de la Nouvelle-France, 23 février 1748, p. 118.

<sup>132</sup> *Edits et Ord.* III, Commission d'Intendant de Justice Police et Finances en Canada, Acadie, Isle de Terre-Neuve, et autres pays de la France septentrionale pour M. Jacques Duchesneau, 5 juin 1675, pp. 42-43.

<sup>133</sup> *Arch. Col. B.* vol. 76-1, A M. le Mis de Beauharnois, 26 avril 1746, p. 216.

<sup>134</sup> *Ibid.* vol. II, Au Sr de Meules, 10 avril 1684, pp. 35-36.

<sup>135</sup> *Ordonnances, Commissions*, II, Ordonnance de M. de Meulles qui exclut de Montréal Madeleine Morizal, femme de Pierre Ponpardeau, dit le Batteur d'Antil, à cause de sa vie scandaleuse et débauchée, 3 juillet 1684, p. 67.

<sup>136</sup> *Ordonnances des intendants*, VI, Ordonnance pour la visite de la Goélette La Française de Miscou commandée par le Sieur d'Argenteuil, 9 juillet 1721, pp. 357-8.

<sup>137</sup> *Edits et Ord.* III; Ordonnance qui ordonne aux Bouchers de cette ville de vendre et débiter leurs viandes sur les marchés de la Haute et Basse Ville et qui en règle le prix, 15 mai 1752, p. 422.

<sup>138</sup> *Ibid.* II. Ordonnance pour l'établissement d'un marché sur la Place d'Armes à Montréal. . . . et pour d'autres fins y mentionnées, 22 juin 1706, pp. 258-261.

<sup>139</sup> *Ordonnances des Intendants*, IX, Permission donnée pour tenir école en la paroisse de Charlesbourg à Raymond Bertrand Junceria, 16 décembre 1722, pp. 122-3.

<sup>140</sup> *Edits et Ord.* II. Ordonnance portant règlement pour les Tanneurs, Cordonniers et Bouchers de Montréal, 20 juillet 1706, pp. 265-6.

<sup>141</sup> *Ibid.* III, Ordonnance accordant la permission d'établir une brasserie, 6 mai 1710, p. 365.

<sup>142</sup> *Ordonnances, Commissions*. II, Ordonnance de M. de Meulles qui défend à toute personne de s'abstenir de travailler aux récoltes et qui oblige tous les vagabonds à travailler dans les localités où ils se trouvent, 13 août 1684, p. 69.

<sup>143</sup> *Edits et Ord.* II, Mémoire pour servir de règlement à Monsieur le Procureur du Roi en la juridiction de Montréal, au sujet des enfants trouvés, 12 mars 1748, p. 395.

<sup>144</sup> *Arch. Col. C11 A.* vol. 85, Hocquart au ministre, 8 septembre 1746, p. 336.

<sup>145</sup> *Edits et Ord.* II. Ordonnance qui fait défense aux habitants des Côtes de Montréal d'avoir plus de deux chevaux ou cauales et un poulain chacun, 13 juin 1709, p. 273.

<sup>146</sup> *Ibid.* Ordonnance au sujet des clôtures et fossés de ligne, 10 juin 1724, p. 305.

<sup>147</sup> *Ibid.* Ordonnance qui défend aux habitants de la Campagne de venir s'établir en ville à peine de 50 lvs. d'amende et de confiscation de leurs meubles et effets, 20 avril 1749, p. 399.

<sup>148</sup> *Arch. Col. B.* vol. 53-52. Mémoire du Roy pour servir d'instruction au Sr Hocquart, 22 mars 1729 p. 243.

Sur le premier objet, l'intendant devait y contribuer en traitant les habitants avec douceur, en facilitant leurs établissements et en empêchant que les puissants ne vexassent le petit et que les officiers de justice n'abusassent de leur autorité.<sup>150</sup> De plus, il lui appartenait d'engager les garçons et les filles à se marier, les premiers à dix-huit ans et les autres à quatorze, et de leur fournir les secours et les facilités dont ils pouvaient avoir besoin.<sup>151</sup> C'était lui qui distribuait aux nouveaux époux le présent du roi, soit vingt livres aux garçons qui se mariaient avant vingt ans et vingt livres aux filles qui prenaient un époux avant seize ans. Il payait aussi une pension de trois cents livres par an au père de dix enfants vivants et de quatre cents au père de douze.<sup>152</sup> C'était encore lui qui avait ordre de faire dresser le recensement annuel de la colonie.<sup>153</sup>

Quant aux terres, l'intendant en faisait la concession avec le gouverneur, de même qu'ils procédaient en commun à la réunion au domaine royal des seigneuries non mises en valeur. Au cas de divergence d'opinion entre eux, ils devaient en référer au ministre dans une dépêche commune et attendre ses ordres.<sup>154</sup> Les réunions aux seigneuries des terres non défrichées par les censitaires relevaient de l'intendant seul.<sup>155</sup> Il faut ajouter que l'intendant avait charge de la confection du papier terrier du domaine royal et que devant lui se rendaient la foi et hommage des fiefs ainsi que les aveux et démembrements.<sup>156</sup>

Enfin, l'intendant devait se préoccuper de développer les cultures du pays, surtout celles du lin et du chanvre, et faire enseigner aux habitants la façon de préparer ces plantes. Il devait aussi pousser à la fabrication du goudron et encourager l'élevage des moutons.<sup>157</sup> Il avait aussi la charge de veiller à la conservation des bois utiles, mais il devait concerter avec le gouverneur les instructions à donner à ce sujet à l'inspecteur des forêts,<sup>158</sup> quoiqu'il nommât lui-même les gardes-forêts nécessaires au service.<sup>159</sup>

Sur l'article du commerce qui leur était commun, l'intendant devait s'entendre avec le gouverneur pour le favoriser et protéger les marchands.<sup>160</sup> Leur principal soin devait être d'assurer la liberté commerciale en prévenant l'adoption d'un tarif des marchandises et en laissant les marchands forains vendre et acheter là où il leur plairait, même dans les campagnes. L'intendant pouvait, avec le gouverneur, mettre un embargo

<sup>150</sup> *Ibid.* vol. 101, Mémoire du Roy pour servir d'instruction aux Srs Vaudreuil de Cavagnal. . . . et Bigot. . . . 22 mars 1755, p. 60.

<sup>151</sup> *Arch. Col. B.* vol. 87, Mémoire du Roy pour servir d'instruction au Sr Bigot, intendant de la Nouvelle France, 23 février 1748, p. 118-9.

<sup>152</sup> *Edits et Ord.* I. Arrêt du Conseil d'Etat du Roi pour encourager les mariages des garçons et des filles du Canada, 1 avril 1670, pp. 67-68.

<sup>153</sup> *Arch. Col. B.* vol. 53-2, Mémoire du Roy pour servir d'Instruction au Sr Hocquart, 22 mars 1729, p. 243.

<sup>154</sup> *Edits et Ord.* I. Déclaration du Roi concernant les Concessions dans les Colonies, 17 juillet 1743, pp. 573-4.

<sup>155</sup> *Ibid.* Edit du Roi qui déchoit les habitants de la propriété des Terres qui leur ont été concédées, s'ils ne les mettent en valeur, en y tenant feu et lieu, dans un an et jour de la date de la publication du dit arrêt, 6 juillet 1711, p. 326.

<sup>156</sup> *Edits et Ord.* II, Ordonnance qui ordonne qu'il sera procédé pardevant l'intendant au nom de Sa Majesté à la confection d'un Papier Terrier des fiefs relevant directement de Sa dite Majesté, 24 décembre 1722, pp. 299-300.

<sup>157</sup> *Arch. Col. B.* vol. 53-2. Mémoire du Roy pour servir d'instruction au Sr Hocquart, 22 mars 1729, p. 255-7.

<sup>158</sup> *Ibid.* vol. 95. A Mrs Duquesne et Bigot, 19 may 1752, p. 104.

<sup>159</sup> *Ordonnances des Intendants*, XVII. Commission à Antoine Dutremble pour veiller à la conservation des pinieres qui se trouvent dans la seigneurie de Sorel, 6 juillet 1743, p. 84.

<sup>160</sup> *Arch. Col. B.* vol. 101, Mémoire du Roy pour servir d'instruction aux Srs Vaudreuil de Cavagnal. . . . et Bigot. . . . 22 mars 1755, p. 56



sur les exportations, surtout des provisions, mais ils devaient laisser sortir librement les vivres destinés à l'île Royale, à qui ils devaient chercher à fournir aussi des bois et des bestiaux.<sup>161</sup>

L'intendant devait spécialement s'employer à développer la pêche du loup-marin et du marsouin, à encourager l'exportation des bois de construction<sup>162</sup> et stimuler le commerce, avec les Antilles françaises, du poisson, des bestiaux et des bois de toutes sortes. Surtout devait-il veiller à prévenir tout commerce étranger.<sup>163</sup>

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<sup>161</sup> *Ibid.* vol. 53-2, Mémoire du Roy aux Srs Marquis de Beauharnois et Hocquart, 19 avril 1729, pp. 363-9.

<sup>162</sup> *Ibid.* vol. 53-2, Mémoire du Roy pour servir d'instruction au Sr Hocquart, 22 mars 1729, pp. 252-3.

<sup>163</sup> *Ibid.* pp. 258-260.

## FRENCH CANADIAN ART<sup>1</sup>

By E. R. ADAIR

In a very sporting paper which he read before this association at its meeting in Toronto in May, 1927, Dr. Clarence Webster explored the cultural development of Eastern Canada and deplored the barrenness of the land. In the field of art and its appreciation he found little to lighten the gloom of the picture which he spread before our eyes. In the province of Quebec alone, there seemed some relics of past enlightenment, for there he admitted that "there are many old country houses and churches with architectural features of great charm and dignity." But, and here he slams in our face the door he has half opened, "these belong mainly to the old régime."

As Quebec was the only province that received even the meanest praise in this connection, it would be ungracious to quarrel with the form in which it was given. And yet, I do not quite like the implication that it is in the field of true architecture that the praise is merited or that such praise must be limited to the work of the old régime. The actual structure of the larger buildings of the province, even those erected under the French régime, is inclined to be undistinguished, solid and austere if one views them with a kindly eye, prison-like and gloomy if a more jaundiced but hardly less truthful spirit controls one's tongue. The smaller buildings, be they cottages or churches, have as their chief external and structural quality a certain simplicity, often degenerating into crudeness, but on occasion fitting admirably into that atmosphere of bucolic and peaceful charm which we like to think envelops the French Canadian village. The buildings are well enough, their architecture is not alien to what one would expect from their builders and the circumstances that controlled their erection, but it is not really in the architecture, pure and simple, that we must search, if we are to discover any real contribution that French Canada has made to the history of art; and that it has made such a contribution I believe to be the case, notwithstanding Dr. Webster's cheerful despondency. We must instead turn to wood-carving and wood-sculpture, a handmaiden to architecture if you will, if we would reveal the one avenue through which the artistic soul of the French Canadian has found expression.

At the best art is not an easy subject to discuss and its history must necessarily be intricate and at times very dubious, for judgment has often to be based upon internal evidence and questions of style. Moreover, in this case, we have a subject that has been almost totally neglected until very recent years and our knowledge is still extremely inadequate; therefore any judgments I may pronounce must be tentative and subject probably to later revision. That I am able to pronounce any judgments at all is due very largely to the researches of Dr. Marius Barbeau among the parish records of the Island of Orleans and especially to my colleague, Professor Traquair of the Department of Architecture of McGill University, whose knowledge of the subject has always been placed at my disposal with the very greatest generosity.

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<sup>1</sup> When the paper was read before the Canadian Historical Association at Ottawa it was illustrated by lantern slides which served far better than mere words to show the real merit of the work described.



What were the beginnings of this art of wood-sculpture in the Province of Quebec? The Abbé Gosselin in his work on "*L'Instruction au Canada*" has described how Bishop Laval founded the Little Seminary at Quebec in 1668 to provide for the education of boys for the priesthood; but they were not to concern themselves only with philosophy and theology, for, as the oldest surviving regulations lay down, "they shall all have some trade to occupy them when they are not busy with their lessons and they shall try to see that their work shall be useful to the Seminary and to the Church."<sup>2</sup> From the very commencement the keynote of the whole artistic development of New France was struck—it shall be established under the protection of the church and for the greater glory of God. Bishop St. Vallier writing in 1687 of what he has seen at Quebec gives evidence that these rules are being observed. "This study," he says, "does not prevent them from learning in particular some trade which shall serve to occupy them in the house. As each is allowed to follow the art to which he is naturally inclined, they attain success in the one they choose; they fashion with skill a hundred little things not only for use in the house, but also for the ornament of the altars which they embellish with seemliness and ability."<sup>3</sup> The pupils of the Seminary are believed to have carved the rétable in the chapel of the Sainte Famille in the first cathedral at Quebec,<sup>4</sup> and La Potherie at the end of the century bears a glowing tribute to their skill when he writes in his "*Histoire de l'Amérique septentrionale*" that the sculpture in the Seminary chapel "which is estimated to be worth 10,000 écus, is very beautiful; it has been fashioned by the seminarists themselves and they have spared no effort to perfect their work."<sup>5</sup> When in 1701 the Seminary was burnt down it was a cleric working at his sculpture who heard something crackling beneath his room, opened his door, found the building full of smoke and at once sounded the alarm.<sup>6</sup>

Thus even in his own lifetime, therefore, Laval's hopes of providing some training in the arts were being realized and, as we know, his work was crowned with a striking success, but the Abbé Gosselin will have us believe that he achieved much more than this, for he describes in glowing terms the establishment by Laval of another school thirty miles down the St. Lawrence, the famous *École des Arts et Métiers* of Saint Joachim. That pupils were sent as early as 1676 from the Seminary to the Bishop's farm at St. Joachim is certain, but that the arts of sculpture and wood-carving were ever taught there rests entirely on an anonymous and rather dubious document dated 1685.<sup>7</sup> The Governor of New France, M. de Denonville, writing in the same year, says that there are sent to St. Joachim boys "who are fit only to be artisans and there they are taught trades" and he sees its possible development into a school for teaching the making of cloth;<sup>8</sup> the artistic side, if it exists at all, makes very little impression. St. Vallier in 1687 says that the twelve boys working there at trades will make good artisans,<sup>9</sup> and Bertrand de la Tour in his "*Mémoires sur la vie de M. de Laval*" writes that the school at St. Joachim consisted "for the most part of the children of peasants who were brought up and maintained rather roughly and at less cost (than in the Seminary). They were taught trades

<sup>2</sup> Gosselin: *L'Instruction au Canada*, p. 350.

<sup>3</sup> St Vallier: *Estat présent de l'Eglise et de la Colonie française dans la Nouvelle France*, (Paris, 1688) pp. 13-14.

<sup>4</sup> Gosselin: *Les vieilles Eglises de la Province de Québec*, p. 3.

<sup>5</sup> Vol. I, p. 235.

<sup>6</sup> Gosselin: *L'Instruction au Canada*, pp. 400-401.

<sup>7</sup> Ibid, p. 354.

<sup>8</sup> Ibid, p. 352.

<sup>9</sup> St Vallier: *L'Estat présent*, pp. 53-54.

and when they were found to have intelligence they were sent off to the Seminary in the town. It was a nursery of good workmen . . . whence were drawn the servants, the husbandmen, the tenants for the lands of the Seminary.<sup>10</sup> Gosselin himself admits that the establishment at St. Joachim had become a mere school of farming by 1705<sup>11</sup> and when the Swedish botanist, Peter Kalm, visited the village in August, 1749, he finds nothing but "two priests and a number of young boys, whom they instruct in reading, writing and Latin."<sup>12</sup> There is indeed no real evidence that this school ever played a part in the development of French Canadian art.

What exactly was this art, in what way did it strike a new note? Of course there was figure sculpture and the carving of low reliefs out of solid slabs of wood, but the French Canadians developed a further and different technique. Their ideas were those of seventeenth and early eighteenth century France; there, plaster work or elaborately carved stone were probably the most popular forms of decoration; but in Quebec plaster was unknown and stone suitable for carving was not easily obtainable. There was, however, all around them immeasurable quantities of wood, and they proceeded to produce in wood the same effects that they had admired in France in other materials. The method was really very simple: the space to be decorated was first covered with plain boarding and to this were attached thin strips of wood cut into the designs that it was desired to produce. If the work were on an altar it would be painted or gilded, if on a ceiling it would be whitewashed and the effect at a little distance would be quite indistinguishable from good plaster work. Almost the whole of the decorative work of the eighteenth and early nineteenth centuries was achieved by means of this appliqué technique and the results are often strikingly beautiful.

The difference in material made all the difference in the world to the workmanship. Plaster is too easy, it can be elaborated without end, and decadence always tends to overelaboration; individual effort is submerged, its designs can be stereotyped and duplicated continually without any real difficulty. The result is the appalling lusciousness of late plaster work and finally the commercialized monstrosities that disgrace the ceilings of our suburban villas. But wood is not so easily worked; in the days before the advent of machinery, each strip had to be cut by hand, individual skill was required and individual design could have free play; patterns never became completely stereotyped; the carver will often go to the natural objects he sees around him and consequently a freedom of line, a freshness of conception and, in the best work, a delightful simplicity is preserved. There are to be discovered plenty of examples of this type of carving taken from the early nineteenth century and yet in them you find early eighteenth century French work at its best entirely untouched by the extravagances of the later part of that century or by those unfortunate influences which made European architecture what it was in the reign of Queen Victoria. And this Canadian work was no mere antiquarian survival; it was still alive and still drawing fresh inspiration from nature as interpreted by the skill that comes from training and imagination.

Who provided the training in the first instance, what are the connecting links with French art in the late seventeenth century and who carried

<sup>10</sup> Ed. of 1761. p. 99.

<sup>11</sup> Op. cit. p. 359.

<sup>12</sup> *Travels into North America*, (ed. of 1770), vol. III, pp. 196-197.



on the tradition in New France across the Atlantic, when this art was left, by the cutting off of communications with old France, to set its own standards and develop along its own lines? First of all, there is no evidence whatever, that Laval sought out in France skilled artists and induced them to cross the sea to teach his pupils in Quebec. Technical artistic skill was much more widely spread then than it is to-day and it is not surprising if among those who emigrated to New France there should be two or three, whether secular or clerical, who had acquired the necessary technique. We know of one such who settled in Quebec and who possessed considerable artistic experience—Jacques LeBlond de la Tour, painter of Bordeaux, who from 1690 to 1706 taught sculpture in the Seminary, at first as a layman and later as an ecclesiastic. Whether there still remains any work that actually came from his hand it is difficult to say, but seventy years after his death the tradition persisted that he had carved the rétables of Sainte Anne de Beaupré, Ange Gardien and Château Richer.<sup>13</sup> The last has been completely altered, but the two former remain, though much changed in later years. Tradition spoke also of his splendid Corinthian columns and it is interesting that both Ange Gardien and the old rétable in the "Chapelle commémorative" of Sainte Anne have fine Corinthian pillars of a design not, so far as I know, met with elsewhere except in the Ursuline chapel in Quebec. It might almost be safe to say that these columns at least date from about 1700 and come from the chisel of Jacques LeBlond de la Tour.

Contemporary with LeBlond, though of a decidedly younger generation, comes Noël Levasseur, young enough indeed for it to be quite possible that he was one of LeBlond's pupils. Born in Quebec in 1680, son of another Noël Levasseur and grandson of the Jean Levasseur who had come from Rouen in the middle of the seventeenth century, he was a member of a family which dominated the art of wood carving in Quebec during the first half of the eighteenth century. In 1697 we hear of an enlargement of the first cathedral of Quebec which was to be entrusted to a Noël Levasseur.<sup>14</sup> This was probably the father, of whom otherwise we know nothing at all, for his more famous son was then only seventeen years of age. In 1701 Noël Levasseur the son was in Montreal getting married, of which more hereafter, and in 1703 he returned to Quebec to settle down as a master-sculptor. Of his work little has survived, but what there is is good, though as his two sons, Francois Noël born in 1703 and Jean Baptiste Antoine born in 1717, entered their father's workshop, all that can be said is that down to his death in 1740 his was probably the directing mind though part of the work might well have been executed by his children.

In the church of St. François de Sales in the Island of Orleans there is an admirable Easter candlestick of which M. Le Guerne, the curé of the parish in 1773, writes in his inventory "A beautiful Easter candlestick by Noël Le Vasseur formerly used in the Cathedral which has replaced it by a larger one made in rather bad taste. I bought it for 36 livres."<sup>15</sup> M. Le Guerne can be congratulated on his own admirable taste. As the candlestick must have been in use for some years in the cathedral before 1773 when it was cast forth by the authorities for something that was bigger and better, it was most probably Noël and not his son Francois Noël who fashioned it. It does him credit.

<sup>13</sup> Gosselin: *L'Instruction au Canada*, pp. 361-3.

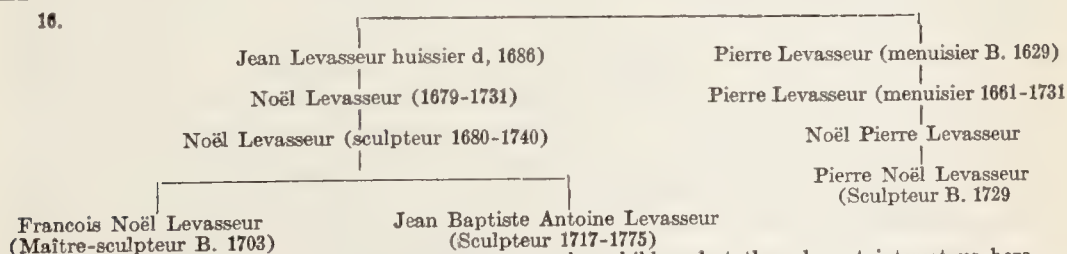
<sup>14</sup> Gosselin in *Les Vieilles Eglises de la Province de Québec*, p. 2.

<sup>15</sup> Note by M. Le Guerne in Inventory of 1789. Parochial Archives of St. François de Sales.

But Noël Levasseur's masterpiece is the great altar and rétable of the Ursulines at Quebec which he, assisted by his sons, carved in the years 1732-1736. Here the most striking features are the Corinthian columns, distinctly similar to those at Ange Gardien or Sainte Anne which I suggested above were the work of LeBlond, and the finely carved panels at the base of each columns and in the two lateral doors. After Noël's death in 1740 his two sons carried on the work until 1775 when Jean Baptiste Antoine died, while their cousin Pierre Noël Levasseur,<sup>16</sup> the product of three successive generations of carpenters, had so good a reputation about the middle of the century that in November 1750 he was given the contract to make the tabernacle and rétable for the Jesuit church in Quebec at a cost of 1,300 livres.<sup>17</sup> The best surviving work of the two brothers is to be found in the island of Orleans. For the church of Sainte Famille the high altar was made by them in 1749 though the spaces between the little columns have been filled in by later and cruder work.<sup>18</sup> What it originally looked like can be seen from the small altar in a boundary chapel near St. Francois de Sales in the same island. This was one of the side altars made for the church by the brothers Levasseur in 1771-3;<sup>19</sup> it is impossible not to admire its delicate grace and purity of line. The grades on which it stands are decorated with the rocaille scrollwork which is identical with that found on the Sainte Famille altar and appears to be typical of the ornament used by the Levasseur brothers. In another way also these altars are typical. So far as we know at present, this style of altar built up of free columns with no filling between them is almost invariably old—dating usually from the first half of the eighteenth century. Another admirable example which illustrates this conclusion is to be found in the side altar in the church of the Hôpital-Général—a composite work made of fragments neatly fitted together—but the top of which is certainly old, and of a very graceful free design.

The Levasseurs were not only decorative wood carvers, they were also figure sculptors. In 1748-9 they adorned the west front of Sainte Famille church with five wooden statutes, slightly more than life size;<sup>20</sup> the statues that are to be seen there to-day are almost certainly not the originals, but even if they are only copies of copies of the original ones they show a sureness and vigour of carving that is worthy of admiration; the expression of sad resignation on the face of Sainte Anne is particularly well done. These large pieces of figure sculpture are rarely to be found in the Montreal district and appear to be especially typical of the Quebec

16.



There were of course in almost every case many other children but they do not interest us here.

<sup>17</sup> Note by the Abbé Joseph St Denis in the *Bulletin des Recherches Historiques*, vol. XXXIII, p. 40 (1927).

<sup>18</sup> Traquair & Barbeau: The Church of Sainte Famille. (*Journal of the Royal Arch. Inst. of Canada* May-June 1926).

<sup>19</sup> Traquair & Barbeau: The Church of St. Francois de Sales (*Journal of the Royal Arch. Inst. of Canada* Sept.-Oct. 1926).

<sup>20</sup> Account by Rev. J. Gagnon in parochial archives Sainte Famille.



school; there are several, probably of some considerable antiquity, at Les Eboulements; and we meet with others at St. Joachim, though there they are used for interior decoration.

In the last quarter of the eighteenth century the position of artistic supremacy at Quebec hitherto occupied by the Levasseurs was in dispute; on the one hand was Pierre Emond, on the other the Baillairgé family. In 1790-93 Emond was making rétables for two of the chapels in the old cathedral,<sup>21</sup> but undoubtedly his chef d'oeuvre had already been accomplished when in 1784 he had done the whole of the wood carving for the private chapel of Mgr. Olivier Briand in the Seminary at Quebec. The work on the olive branch—a play on Briand's Christian name—and on the cornice is extraordinarily vivid and free, but I am not sure if it is not surpassed by the delightful brackets that flank the altar. This work gains enormously because it has never been painted or gilded and the delicate sharpness of the carving has therefore never been blurred.

Jean, the founder of the Baillairgé family in Canada, came from Poitou in 1741 and, after serving an apprenticeship in Quebec, set up for himself in the rue Sault-au-Matelot as a sculptor and carpenter. He is known to have done work in the old cathedral but none of it survives.<sup>22</sup> His son, François, born in 1759, was sent to Paris to study in 1778. He remained there for three years working in the Académie royale de Statuaire, de Sculpture et de Peinture. On his return he joined with his father in the work in the cathedral, his baldachino being especially praised,<sup>23</sup> but a design which he drew up for the Banc d'Oeuvre there shows evidence of a sophistication which may well have been the result of his contact with French art. It is however in the church of St. Joachim de Montmorency that we have the best surviving example of his skill, and here he was assisted by his son, Thomas, who had been born in 1791 and trained under his father and under René St. James of Montreal.<sup>24</sup> The decorations show a magnificence uncommon in a mere parish church and here again we find the life-size wooden figures and the panels carved in relief that seem so typical of the Quebec school of craftsmanship; both the figures and the panels are thoroughly good pieces of work. Thomas Baillairgé, like his father, was an architect almost in the modern sense of the word, yet we find him also undertaking the making of carved wooden rétables for village churches quite in the traditional manner. He was responsible, for instance, for the rétable at Sainte Famille which he put up in 1820,<sup>25</sup> and though his work is a little heavy, yet there is still preserved in an amazing manner the feeling that the artist was carving direct from nature the flowers that he saw in the cottage gardens around him. In the decorations here at Ste. Famille and at St. François we can perceive clearly the fondness of the Quebec craftsmen for rather solid carving, for masses of flowers, and for cartouches applied to the panels. Even as late as the forties there is no real deterioration, as can be seen if one looks at the rétable André Paquet put up in the church of St. François de Sales during the years 1838-1844;<sup>26</sup> the cornice, the scroll work and the designs of flowers have all the old vigour and delicacy, while the pots of flowers carved at the bottom of the panels are as free and as naturalistic as in the earliest days of the wood carver's

<sup>21</sup> Gosselin in *Les Vieilles Eglises de la Province de Québec*, p. 5.

<sup>22</sup> Note in *Bulletin des Recherches Historiques*, vol. XIX, pp. 307-308 (1913).

<sup>23</sup> Ibid, vol XX, pp. 17-18 (1914). Note by G. F. Baillargé.

<sup>24</sup> Ibid, vol XX, pp. 348-351 (1914) Note by G. F. Baillargé.

<sup>25</sup> Traquair & Barbeau: *The Church of Sainte Famille (Journal of the Royal Arch. Inst. of Canada, May-June, 1926).*

<sup>26</sup> Livre de comptes: St. François de Sales.

art in Canada. But the end was already in sight: Thomas Baillairgé's Jerome Demers, Professor of Architecture at the Quebec Seminary, had advocated, as early as 1828, in his "*Précis d'Architecture*" the use of plaster instead of wood because it imitated stone more effectively.<sup>27</sup> By 1850 the Quebec school of wood carving was on its deathbed; a few skilled craftsmen might linger on even into the twentieth century, but the door was opening wide to all the flamboyant and often meretricious qualities that mark the new style of church decoration that has spread over the province so disastrously even down to our own day.

Meanwhile Montreal was developing her own school and her own styles. That there was some connection with Quebec is indubitable, but I do not think that it can be maintained that the Montreal school was wholly derivative. Until very recently it was considered that the woodcarver's art in Montreal hardly went back of Quevillon who flourished in the early nineteenth century. In his little book "*Une Maîtrise d'Art en Canada*", M. Vaillancourt says that "it is to Louis Quevillon — that we owe the rebirth of this art", that "Louis Quevillon was his own master. He had a taste for the arts. Without other guide than this quality and some old books — he gave himself to the decoration and embellishment of churches by means of woodcarving";<sup>28</sup> while Wallace in his recent "*Dictionary of Canadian Biography*" speaks of Quevillon as "an illustration of one of the first native impulses in Canadian art." Neither of these assertions can be maintained; Quevillon was a great craftsman, but he had his masters and his predecessors, and he was one of a long line of artists who developed their traditional style in and around Montreal from the beginning of the eighteenth century to the middle of the nineteenth.

Montreal was a much younger town than Quebec and far more exposed to the turbulence of its enemies, therefore it is natural that art of any sort should be later in taking root. The earliest workers in wood, like the famous Gilbert Barbier, were probably little more than competent carpenters, but in 1701 we hear of one Charles Chaboillez who originally came from Champagne in France and who is specifically termed a sculptor in wood. In that year, feeling old age weighing upon him, he determined to enter the hospital of the Brothers Charon who in 1691 had received permission from the king to establish arts and crafts within their house; there he would "serve God and the poor in all that he could by his art of carving as well as by carrying out such carpentry as should be needed in the Community." In return he wanted nothing but a room where he could work at his designs, carry on his carving and sleep, and when he died, thirty masses said for the repose of his soul. But he soon tired of this semi-monastic life, left the hospital and, in May, 1702, decided to join forces with a retired sergeant who owned sixty arpents of land just outside Montreal. There they would live together as soon as Chaboillez had finished an altar which he was making for the church of the Recollets. Alone in the world, the two old gentlemen agreed to leave all their worldly goods to the first child to be born to a certain young sculptor from Quebec, Noël Levasseur who was then living in Montreal and has just married. In 1704 Chaboillez took for a term of three years an apprentice in the art of wood carving; all seemed at peace when, suddenly swept off his feet, he married a girl in her twenties, giving his own age in the register as 50 years. He at once repudiated his deed of gift to Noël Levasseur, became the proud father of three

<sup>27</sup> O. Maurault: Jerome Demers, (*Journal of the Royal Arch. Inst. of Canada*, Jan. 1926, p. 35).

<sup>28</sup> pp. 12-13.



children and, four years after his marriage, died at the age of 70—a mathematical discrepancy which is explained not so much by the ageing effect of married life as by the natural vanity of an old man wedding a young wife. Levasseur had already returned to Quebec to become famous there as a sculptor, and his only further relations with the district of Montreal seem to be in 1725 when he came to Boucherville just across the river St. Lawrence to make a rétable for the church there.<sup>29</sup> The whole story is rather charming and the connection with Levasseur very interesting.

In 1721-2 we hear of a Paul Raymond Jourdain dit LaBrosse who was a sculptor and a maker of organs; he had been summoned from Montreal to Quebec to repair a small organ in the cathedral there and apparently to prepare the woodwork for and set up a large one.<sup>30</sup> He is probably the LaBrosse whom we find working at Sault au Recollet just outside Montreal in 1737 and again 1741,<sup>31</sup> and he is certainly the man who executed for the old parish church of Notre Dame in Montreal the rétable in the chapel of St. Amable which had been built in 1739 according to his plans.<sup>32</sup> But the only specimens of his work which we know to have survived to this day are the great cross which he carved for Notre Dame and the face which he made about 1770 for the clock of the Sulpician Seminary—the hands being made by Liébert.<sup>33</sup>

The church of Sault au Recollet lying on the Rivière des Prairies some 5 miles N.W. of Montreal is not only one of the most beautiful churches in the whole province of Quebec, but is in itself almost an epitome of the Montreal school of sculpture.<sup>34</sup> It has been mentioned above that LaBrosse worked there but that was in the church that preceded the present one which was not built until 1751. The oldest pieces of work existing in the church to-day are the two magnificent doors leading from the sanctuary into the sacristy. They each consist of two solid panels carved in relief with a vigour and beauty unsurpassed in any other single piece of work that we possess. They are delicately tinted in polychrome and probably date from about 1750, though we have no record whatsoever of their execution. The tabernacle of the high altar was set up in 1792 and is an excellent example of the work of a certain Philippe Liébert of Pointe aux Trembles, a slightly senior and very successful contemporary of Quevillon. Throughout the last ten years of the eighteenth century Liébert, rather than the younger Quevillon, secures the most important pieces of work and was regarded as the superior artist. In 1791 he had provided Sault au Recollet with a pulpit, four years later he was doing the sculpture in the choir of the old church of Notre Dame and the churchwardens entered into negotiations with him for a pulpit and a banc d'oeuvre as well. That we have been able to identify the tabernacle at Sault au Recollet as Liébert's work is due to its fortunate resemblance to one in the church at Vaudreuil which we know to have been made by him in 1792; not only is the general design and the strapwork decoration very similar, but the small statue of St. John is identical in both tabernacles. Undoubtedly Liébert and his apprentices were turning out a good deal of work and a certain amount of duplication in design was inevitable. Liébert was fol-

<sup>29</sup> E. Z. Massicotte in the *Bulletin des Recherches Historiques*, vol XXVIII, pp. 184-186 (1922); vol. XXXIV pp. 532-540 (1928).

<sup>30</sup> Note by Mgr. Têtu in the *Bulletin des Recherches Historiques*, vol XIV, p. 359 (1908).

<sup>31</sup> Sault au Récollet: Livre de compte, vol I, fos. 1b, 3b.

<sup>32</sup> *Annuaire de Ville Marie*, p. 369.

<sup>33</sup> O. Maurault: *Le vieux Séminaire*, pp. 11-12.

<sup>34</sup> For the account that follows see Traquair & Adair: *The Church of the Visitation, Sault au Recollet* (*Journal of the Royal Arch. Inst. of Canada*, Dec. 1927) & the references there given..

lowed by Louis Amable Quevillon of Saint Vincent de Paul, who dominated the Montreal school of wood carving for the first twenty years of the nineteenth century and whose designs were perpetuated and developed by his partners and pupils so long as wood carving existed as a living art. He followed Liébert in his work at Notre Dame where he set up the great baldachino; he followed Liébert at Sault au Recollet where in 1802 he executed the two tabernacles on the side altars and in 1806 the three altar tables "à la Romaine" for the high altar and the two chapels. This work is all extremely typical and admirably executed; the delicate arabesque and scroll work, the fine loose sprays of foliage, the ear of corn, the vine in its graceful curves, the swags of flowers all speak eloquently of the high pitch to which Quevillon and his followers brought the art of wood carving. Their work is to be found in many churches in this district and in the very last years of his life Quevillon and his partner René St. James were given the chance to carry out the complete decoration of a whole church—that of St. Mathias sur Richelieu; the work was almost entirely executed by St. James, but it is true to the Quevillon style and forms a splendid and harmonious whole. At Sault au Recollet, Quevillon was followed by two of his pupils. Between 1816 and 1820 David Fleury David, an inhabitant of the parish, put up what is one of the finest wooden vaults in the province of Quebec, not only in its general effect, but in the delicate charm of its detail. Finally in the years 1820-23 David built a great rétable at the east end and redecorated the whole nave—a delightful piece of work. The last piece of wood carving to be added was the pulpit which was erected by Vincent Chartrand in 1836 and which shows how strongly the Quevillon influence persisted.

And though Sault au Recollet is the finest example of the work of this school, it is in no sense unique. Church after church in the neighbourhood of Montreal has some fine examples of wood-carving to show that it may often be hidden beneath coats of paint or unpleasant marbling. To take but two examples—neither of them large or important churches—Vaudreuil which possesses panels of excellent quality, all round its choir, and Ste. Jeanne in the Ile Perrot, which not only has ceiling decorations that are admirably naturalistic, but also an extraordinarily fine carved wooden front.

Thus we have two different schools of craftsmanship—that of Quebec and that of Montreal—each with its peculiarities. Quebec showing a fondness for rather solid carving, for cartouches and masses of flowers, for life-size statues and solid carved panels, Montreal laying more stress on the delicate line, the loose arabesque, and the open scroll work. Of course this does not imply that there was no contact between the two. In the beginning Montreal undoubtedly owed a good deal to Quebec; we have seen Noël Levasseur at Montreal from 1701 to 1703 and at Boucherville in 1725. Beyond that we have no evidence of the influence of the Quebec school in the area round Montreal—but, much to Quebec's disgust, Montreal sculptors were not infrequently invited to adorn churches within the territory of the rival school. We have mentioned above that LaBrosse was sent for to Quebec to set up the organ there in 1722; Quevillon himself is recorded as doing work at St. Henri de Levis in 1804, at St. Charles de Bellechasse where he made the tabernacle in 1806, and at the old church of St. Laurent in the Island of Orleans in 1807. About 1811 a certain Louis Bazil David, a pupil of Quevillon, did a considerable amount of work at St. Jean in the Island of Orleans, where the typical Quevillon scroll



work can be seen in the cornice, the pulpit canopy is very like that at St. Mathias, while the large cornucopia over the side altar is very common in the work of the Montreal school. From St. Jean he went in 1812 to Sainte Famille where he put up the wooden vault which shows coffering rather reminiscent of that at Sault au Recollet. He tried to persuade the people of Sainte Famille to engage him for further decorative work in the church, but the curé did not approve of the foreigner from up the river, and apparently nothing more was done. The transitional stage that the craft had reached at this time in the country districts is shown by the curé's attack upon David because he did not do all the carving himself, but was away part of the time supervising other work.<sup>35</sup> At Beaumont, the rétable put up by Etienne Bercier in 1812 with its delicate open arabesques in the panels undoubtedly belongs to the Quevillon school, while about the same time Thomas Baillairgé himself was being trained by the Montreal sculptor René St. James. It is obvious that, in the early nineteenth century, the Montreal school must have enjoyed a great reputation in the province if its influence was so widespread.

Of other arts connected with the church little need be said. Fine gilding for the woodwork was done by the Ursulines<sup>36</sup> and the nuns of the Hôpital Général<sup>37</sup> at Quebec and by the Gray Sisters of the Hôpital Général and the Sisters of the Congregation at Montreal,<sup>38</sup> as well as by the master sculptors themselves. The paintings that were executed by French Canadian artists were almost universally beneath contempt. A few of them, such for example, as the Recollet Frère Luc or LeBlond de la Tour enjoyed some contemporary reputation; it will be kindest to that reputation if we assume that none of their works have survived. The majority were of the quality, but lacked the resignation, of that priest of the Seminary at Quebec, M. Pommier, of whom Bertrand de la Tour writes. "He prided himself on his painting making many pictures, but nobody liked them: he hoped that in France his talent would be more appreciated, but he had no better success there and so devoted himself to the cause of rural missions."<sup>40</sup> Most French Canadian artists could have followed his example with profit to the world. Of embroidered robes and altar frontals we know very little; the nuns produced a certain amount, probably not of a very high quality. The chasuble and altar frontal which Jeanne Le Ber made for Notre Dame in Montreal at the very beginning of the eighteenth century and which the church still possesses are heavy and magnificent rather than aesthetically beautiful. The embroidered frontal for the altar of Indian Lorette is early work and almost certainly Canadian and not French. It is done in coloured wools on linen and has considerable charm, though it would not compare with the best European embroidery. Its fellow altar frontal done in incised silver on a gesso and wood base, with gilded wood carvings applied to its surface is old and battered, but still a very fine piece of work, especially when seen gleaming in its proper place in the midst of the ceremony of the mass. It is, incidentally, almost the only piece of artistic work in which Indian influence

<sup>35</sup> Notes by Mr. Gagnon in the parochial archives of Sainte Famille.

<sup>36</sup> e.g. They gilded statues at St. Pierre Island of Orleans in 1751. Pater Kalm, *Travels* in *N. America* (ed. of 1790, vol. III, p. 176).

<sup>37</sup> e.g. They gilded tabernacles at St. Pierre (1765), Sainte Famille (1768), St. François de Sales (1793).

<sup>38</sup> Bulletin des Recherches historiques, vol XXXIII, pp. 40, 223 (1927); O. Maurault: *Le Vieux Séminaire*, pp. 11-12.

<sup>39</sup> Gosselin: *L'Instruction au Canada*, pp. 364-365.

<sup>40</sup> La Tour, *Mémoires de la vie de M. de Laval* pp. 108-9.

can be seen, for the lower part of the frontal is decorated with a design which includes an Indian squaw and little rounded Indian houses. Of other early Canadian silver work we know practically nothing. Of the iron work we do not know very much more. On the whole, as can be seen in church crosses, such as that at Sainte Famille or the one of about 1788 at St. Pierre, it was good rather than distinguished; all over the district of Montreal can be found windows with distinctive and very pleasantly made iron gratings, often quite modern; while iron hinges and catches also not uncommonly show a real attempt at artistic design.

But all these are very minor achievements; the true artistic triumph of French Canada lies in her wood carving and I have tried to show in this paper that in that branch of art at least she has made a real contribution, she has achieved something that is at the same time intrinsically beautiful and historically interesting. For no historian of French Canada can afford to neglect this manifestation of French Canadian spirit. Its importance lies in the way it was achieved, for it must always be remembered that it was the Catholic Church that was its only begetter. Even in the best examples of domestic architecture, such as the fine house of John Caldwell in St. Peter street, Quebec, the panelling, dating from about 1780, is honest and simple, but hardly comparable in beauty with the work in the churches, while in the smaller houses and cottages anything so pleasant as, for instance, the corner cupboard in the Hebert House in the Island of Orleans is the decided exception. When Quebec was resisting the guns of Sir William Phipps, when Frontenac could write home "The enemy is upon us sea and land, send us a thousand men next spring if you want the country to be saved. We are perishing by inches; the people are in the depth of poverty; the war has doubled prices so that nobody can live, many families are without bread. The inhabitants desert the country and crowd into the towns"<sup>41</sup> when Montreal was still cowering from the Indian massacre at Lachine and in revenge four Iroquois were burnt alive by its soldiers just outside the town, the Church and the Church alone provided that encouragement and that peace of heart that made possible artistic practice and artistic development. It is not an accident that the Puritans of New England, though they lived under no worse frontier conditions, possessed no such art as this, that as the people from the eastern states spread over the middle west their culture diminished, leaving them nothing but that crude materialism which they enjoyed in the middle of the nineteenth century. Their churches, in their cold austerity, frowned upon all decoration made by hands, and in their bitter struggle with nature there was no time and no strength left for other inspiration. But the Catholic Church knew no better and no nobler task than making beautiful the House of God, and the French Canadian gave to it his best endeavour. For the Church was the dominant factor in his existence; it baptised him, it married him, it advised him in his wordly affairs and kept his peace in those of the spirit, and finally it buried him well and sumptuously, and his funeral was often the most important event in his life. In this art there is no humour, for religion was a serious thing, not to be approached lightly, and the Church kept a strict hand upon what it would admit within its doors. Thomas Baillargé had the pleasant task of painting more clothes on the figures in two of his father's pictures of which the Church had disapproved.

At times we may feel that the Church is not sufficiently awake to the treasures that it possesses. The danger from fire is terribly great; old

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<sup>41</sup> Atherton: *History of Montreal*, vol. I, p. 297.



churches are still being pulled down to make way for bigger and better ones—has not Montreal seen its old cathedral replaced by that ghastly neo-gothic edifice that James O'Donnell brought up from New York, and its seemly little church of Bonsecours, restored with results more horrible even than complete destruction? But it must be remembered that the business of the Church is not to serve art but to save souls, and if its work demands these things it can hardly be blamed for providing them. And even the best intentions sometimes breed disasters; it is only too easy to rip away the wood carving in order to repair the boarding behind it and I remember my horror when a good vicaire explained how well they had repaired the decorated roof and proudly showed me a pile of carvings that they had left over when they put the designs back. But as historians, in pleading for more knowledge, for more reverence for things of the past, for more care for their preservation, we must after all never forget that it was the Church and the Church alone that has given us this beautiful thing, the most beautiful thing in French Canadian art—the wood carving of the province of Quebec.

## THE PLACE OF THE RED RIVER SETTLEMENT IN THE PLANS OF THE HUDSON'S BAY CO., 1812-1825

By A. S. MORTON

That the Red River Settlement was due to the desire of Lord Selkirk to add to his family's wealth, if not in the immediate, at least in the more distant future, to his philanthropic instincts and to his vision as an imperialist is true but it is not the whole truth. The Colony had its place in the schemes of the fur trading company, else they would hardly have handed over even to their most influential shareholder an area of 116,000 square miles for the vast sum of 10 shillings. In truth there was a place for the Red River Settlement in the plans of the Hudson's Bay Company—plans drafted to enable the company to recover itself in face of the insistent pressure of the competition of the North West Company.

The long struggle between the Hudson's Bay and the North West Companies brought out the strength and weaknesses of the several organizations. The Hudson's Bay Company was strong in the legal status which it enjoyed through its charter, in the shrewdness of the Governor and Committee handling the purchase of supplies and the sale of furs in London, and finally in the possession of a short and cheap route for transporting its goods through Hudson Bay to the very edge of the wooded belt, the natural home of the beaver. The Company's weakness lay in the lack of intimate knowledge of the inland trade on the part of the Committee which framed its policy and in its system of salaried employees not directly interested in bringing profits to the concern and with little or no opportunity to influence its administration. The system worked well enough when there was no rival in the field, and even in the period from the establishment of Cumberland House inland in 1774 to meet the competition of the English traders of Montreal down to 1804—a period which may be characterized as one of peaceful competition—it seems not to have been wholly inadequate. In the years of extreme and violent pressure from the rival company which followed, it broke down hopelessly.

The strength of the North West Company, on the other hand, lay in the fine personnel composed largely of "wintering partners" and in a polity which gave them a direct control of the administration of "the concern" as it was called. The Montreal agents and the inland traders, all shareholders, framed their policy in two weeks of happy fellowship in July at the "rendez-vous" Grand Portage or from 1803 at Kaministiquia afterwards called Fort William. The weakness of the Company lay in its being but a temporary partnership, renewable at the end of a given number of years and in its long lines of transportation involving as they did first of all great expense and next a prolonged outlay of capital before the returns could be realized. By 1804 the Northwesters were becoming painfully conscious of these handicaps to their trade. It was the necessity of renewing their agreement in 1795 for 1799 which left the way open to discontented partners to form what is commonly called the XY Company. Family quarrels are always of the most bitter. Two highly efficient organizations trained in the same school were led by the partizan feeling with which they strove for mastery, to pass beyond the bounds of legitimate



competition and to resort to nothing short of disgraceful violence. Finally the murder of Mr. King on the Saskatchewan stayed the strife and reunion was brought about in 1804.

The fierce rivalry of the three companies—the Hudson's Bay, the North West and the XY Companies—must have depleted the fur areas involved. At any rate after 1804 we find both the Northwesters and the English attempting to find fresh areas to exploit. The Canadians were planning to cross the Rockies into New Caledonia and the Valley of the Columbia; the Englishmen were entering the wooded valley of the Churchill River in which their rivals had hitherto enjoyed something little short of a monopoly. The Columbian enterprise forced the North West Company to reconsider the problem which its long line of communications constituted, for it would not pay to bring the furs from beyond the Rockies by canoe to Montreal. In 1804 Edward Ellice made an attempt very nearly with success to purchase the entire stock of the English Company, the figure named being £103,000. His object was, of course, to give the N.W. Co. the short route by Hudson's Bay. The alternative to complete control by purchase was to get the right of transit for their goods through the Bay. Accordingly on July 5th, 1805, a resolution of the partners assembled at "Kaministiquia" agreed to offer the Hudson's Bay Company £2,000 a year, for leave to freely transport their goods to the interior by York Factory. It was included in the offer that they should relinquish in future the whole trade of the coast of Hudson's Bay to the English Company if only they could gain the use of their short lines of transportation. (Can. Arch. Minutes of the North West Company, p. 36). This proposal was rejected.

The aggressiveness of the Hudson's Bay Company in the wooded area of the north, the true home of the beaver, and their refusal to assist the Northwesters in solving their transportation problem brought about a complete change in the relations of the two Companies. The comparatively quiet competition with rival forts side by side, hostile but nevertheless keeping the peace, came to an end, and the violent methods to which the Northwesters had become habituated in their struggle with the XY Company were now turned against the Englishmen. Lord Selkirk's *Sketch of the British Fur Trade* is packed with illustrations of the disgraceful and bloody assaults of its rivals upon the, for the most part, passive servants of the Hudson's Bay Co. They were of course passive because they received a fixed salary to gather furs and saw no immediate gain for them in resisting to the death or in resorting to the counter-attack which is the best of all defences. It is hard to refrain from believing that all these violences were a deliberate policy on the part of the Northwesters to bring the English Company to their terms, if not to drive them from the field. By 1810 Hudson's Bay Company's stock had fallen from £250 a share to from £50 to £60, and Sir Alex. Mackenzie and Edward Ellice were buying stock, the former, at least, with the object of getting control of the Company. The McGillivray's, William and Simon, were in the background. The whole story has yet to be told. The plan was for some neutral or at least innocent person to secure the stock and finally sell out to the Northwesters. Sir Alex. Mackenzie thought he had his man in Lord Selkirk, but the noble Lord, who had married into a family with large holdings in the Hudson's Bay Co., was checked by his relatives and finally decided to retain the stock purchased. Thus suddenly he became the most potent

of the Company's shareholders. Mackenzie threatened a suit against his Lordship for breach of trust, in retaining stock purchased for the Northwest "concern" and, on the other hand, blamed McGillivray for being slow to find the necessary money to secure the much coveted control of the English Company.

Negotiations were being carried on all this while to secure some working arrangement between the two companies. The principle was a division of the territory for trade purposes and no mention is made of a free transit for the goods of the Northwest Company by way of the Bay. The negotiations fell through in August, 1811, because of the determination of the H.B. Co. not to draw up terms of agreement which might suggest that their Charter was invalid. The result was that the period 1812 to 1820, was the fiercest, most violent and most bloody in the none too gentle history of the North West.

If the Hudson's Bay Company were to retrieve its position it simply must resort to new methods. The Governor and Committee were characteristically English in being slow to convince themselves that their system was antiquated but when the unpleasant fact began to dawn upon them they were truly English in the courage with which they faced it, in the earnestness with which they sought to understand the true situation and in the practical wisdom of their final determinations. They were told that their weakness was their system of paying fixed and rather low salaries to their servants. They therefore determined on a scheme which gave a lower fixed salary to most of their officers but offered a percentage of the profits of the trade by way of an incentive to their zeal. They were told that the Orkney men of whom for the most part their service was composed would not and could not endure the hardships of the wooded area to the north and could not win the Indians to them as the French Canadians could. Accordingly they decided that the next aggressive movement which it was intended should be against Athabasca, that rich fur region which the Northwesters regarded as their sacred precinct, should be led by two old North Westers in command of tried voyageurs recruited in Montreal. Finally the increasing violence of the Northwesters, and the policy of expansion of the English Company resulted in a great multiplication of the number of necessary servants. The cost of taking provisions out from England rose in proportion. Accordingly the question was raised whether provisions might not be grown in the country which would be cheap and we may presume, would be to hand free from the uncertainties of the navigation of Hudson's Straits. In a statement dated March 18, 1815, sent by the Company to Lord Bathurst, an explanation is given of the part the Red River Settlement was intended to play in the machinery of its fur trade.

"The servants of the Hudson's Bay Company employed in the fur trade, have hitherto been fed with provisions exported from England. Of late years this expense has been so enormous, that it has become very desirable to try the practicability of raising provisions within the territory itself; notwithstanding the unfavourable soil and climate of the settlements immediately adjacent to Hudson's Bay, there is a great deal of fertile lands in the interior of the country, where the climate is very good and well fitted for the cultivation of grain.

"It did not appear probable that agriculture would be carried on with sufficient care and attention by servants in the immediate employment of the company, but by establishing independent settlers, and giving them freehold tenures of land, the company expected to obtain a certain supply of provisions at a moderate price. The company also entertained expectations of considerable eventual benefit, from the improvement of their landed property by means of agricultural settlements.



"With these views the company were induced, in the year 1811, to dispose of a large tract of their lands to the Earl of Selkirk, in whose hands they trusted that the experiment would be prosecuted with due attention, as the grant was made subject to adequate conditions of settlement."

This leaves it beyond doubt that the Red River Settlement, although it may well have figured largely in Selkirk's mind as another of his philanthropic schemes, was likewise devised to help the Hudson's Bay Company to stand up against the blows inflicted upon it by its rival at least by providing cheap and certain provisions for its servants inland. In the Grant of the District of Assiniboia to Lord Selkirk in 1811, which is, of course, simply a transfer of the land, not an embodiment of policy, this is not mentioned but is probably referred to when it is said that the District is conveyed to his Lordship "in consideration of the sum of ten shillings of lawful money of Great Britain," and "for divers good and other valuable causes and considerations."

The Grant, however, brings out another purpose of the Company in the condition laid down that Lork Selkirk shall set apart one-tenth part of the District "to the use of such person or persons being or having been in the service or employ of the said Governor and Company for a term of not less than three years immediately preceding." The first intention of this condition was that the settlement should be reinforced by such retiring servants as should choose to settle in it with their squaws and their dusky families. We may infer that as the company was contemplating employing French Canadians they thought of the Red River Settlement as becoming a retiring ground for them also and in the more distant future offering a reserve of the sort of servants that had contributed so much to the success of the rival traders from Montreal.

Taken altogether, these plans were as wise as they were revolutionary for the Company which had been accused of sleeping so long by the frozen sea. They would slowly but surely put it on a level with the Canadian company and leave to them the great advantage of their short and cheap communication with the fur market of London. With unerring instinct the North West Company directed its counter attack at the Settlement and destroyed it in 1815 and again in 1816. With great courage on the part of the remnant of the settlers and British determination on the part of Lord Selkirk, it was re-established. Soldier settlers of the De Meuron regiment and a band of French Canadian immigrants were added. Had it not been for the grasshoppers the Red River Colony would have soon shown its value to the Hudson's Bay Company in what was little short of warfare.

From 1815 onward the centre of the struggle was in the District of Athabasca, the Holy of the Holies of the North West Company. The first two years were disastrous for the Englishmen. Both companies were losing heavily, but the Hudson's Bay Company was organizing itself more and more to meet its rivals on equal terms. In 1818 it sent out Governor Williams, formerly in command of an East Indiaman, a rough sailor who is said to have had 'a peculiar relish at all times for a good hard fight, more especially when there seemed certain prospect of one of the parties being "well licked."'

In 1819 he awaited the Athabasca Brigade at the Grand Rapid on the Saskatchewan in true Northwester style, with a bunch of warrants for all sorts of crimes from attempting to prevent the service of a legal warrant in Montreal, crescendo to burglary and robbery and murder, arrested no

less than five wintering partners and six servants and got away with them safely to York Factory. Of course this sort of thing had been done by the Northwesters before. The novelty was that it was now being done by the Englishmen. The next year the courageous and crafty Geo. Simpson was sent out to hold Fort Wedderburn in Athabasca. Here he played a part as brazen as that of the Northwesters themselves and not less subtle.

In the face of all this the behaviour of the Northwesters in the light of their past bluster, can only be characterized as subdued. In 1819-20 it was still anyone's game, but it does look as if the English company were running true to the form of our unmilitary race. They drifted into the struggle with an antiquated and inefficient machine. They went on from defeat to defeat, and came back only to be defeated again, but, in the height of the crisis they organized for victory and had the struggle continued they might have won the last battle and come off triumphant. But there was no last battle for the issue was settled by a domestic crisis within the rival company.

The Achilles heel of the North West Company's system was that at the end of twenty years it must renew the agreement between the Montreal agents and the wintering partners. The new arrangement would come into effect in 1822 but the contracts must be made some years before hand. In view of the coming crisis, Edward Ellice on behalf of the North West Company offered to buy all Lord Selkirk's shares in the English company and thereby secure control of its machine and with it the whole fur trade of the North West. He was met with Lord Selkirk's blunt refusal to trust the fate of the Colony to those who had twice destroyed it. Meanwhile some of the wintering partners who were impressed with the folly of the struggle, and restless at its violence, began to reach towards a scheme which would solve their crucial problem,—viz. that of transportation which as we have said became acute with the expansion into the region beyond the Rockies. The North West Company's agreement was bipartite. It was a contract between wintering partners, and their Montreal agents. How would it do in the next agreement to drop the Montreal agents and take on the Hudson's Bay Company in their place? The English Company met the proposal with generous terms, but very astutely included the Montreal and London agents of the North West Company lest they should form another and a new rival "concern."

Thus the Hudson's Bay Company took the form under which it operated from 1821 till Confederation. Both parties contributed their best to the United Company. The Englishmen gave, along with their Charter, the short route by the Bay, and the very efficient management of the Governor and Committee in London. The North West Company gave a very vigorous personnel, the very happy ties which bound them to the Indians and a fine control of the business in the interior. The old meeting of partners at the rendez-vous at Fort William disappeared but it was substantially retained in the Council of Chief Factors who gathered around Governor Simpson. On this Council were men who had worked hard to destroy the Red River Settlement. Let us turn to see what use was made of it by the Company of which they were now practically partners. Some of the problems of the situation were solved by the simple fact of union. With a single Company in control the extravagances of prices set below the line of profit, and of rum poured out like water came automatically to an end. The insolence of the Indians bred in the day when competing traders begged them for their trade would pass away in time with judicious discipline.



But when the country was in a state of warfare the forts were crowded with defenders. In the old days a clerk would go out to the Indians with a few servants to accompany him. Now nothing short of an armed posse would do. Both companies were greatly overmanned. When peace came the question what to do with the servants made superfluous by the union was a very serious one. Governor Simpson, the Gentlemen of the Committee in London, and the Council of Rupertsland all agreed in looking to the Red River Settlement for its solution. Of course some of the wintering partners of the N.W. Co. were excluded from the new concern because of the evil deeds in the day of strife. These went home to Canada. For example the turbulent Daniel Mackenzie retired to the village of Prescott sleeping by the placid waters of the St. Lawrence, of which place he became an inglorious but surely not a mute denizen. Some of the incompetent servants of the English Company returned to England. But some of the retiring officers had taken squaws for wives *à la façon du nord* and had families whom their conscience or their love would not suffer them to abandon. Theirs was surely a hard choice. What could be done? The answer was go to the Red River Settlement, settle on the land set apart by the Selkirk grant for the servants of the Company, begin to farm and produce provisions for the posts strung across the land from Rainy Lake to the Rockies. So the quondam master of a post would glide silently with his diminutive brigade of canoes bearing his wife and tawny children and such goods and chattels as he could lay claim to and would settle by the banks of the Red River. Among these was James Bird, afterwards Councillor of Assiniboia, and Collector of Customs, one of the really useful citizens of the Settlement. Another was Donald Gunn, who tells us that he decided of his own accord to become a settler, but whose rancour against the Company manifested even in the book written in his old age, suggests that his retirement from the Company's active service left an unhealed sore. He became a farmer, a teacher and a magistrate. A man of bold speech and fine parts he was respected by all but never was trusted with the higher offices of the Colony. A little later the case of Alex Ross, was much like that of Donald Gunn. He started from Fort Okanagan in the autumn of 1825 and left his squaw to winter on the banks of the Upper Columbia while he himself came down the Saskatchewan, noting every point of interest as he came. His wife and the children followed next summer. They settled on a farm but Ross became Councillor, and Sheriff of Assiniboia, Keeper of the Gaol, Member of the Board of Works, Commander of the Police and what not, probably the most distinguished of all the settlers of his generation. His history of Red River, though at times tinged with bitterness at the Hudson's Bay Company, is the most important source for the history of the time, as vivacious as it is colorful. All these men played useful and honourable part in the history of the Colony and thereby contributed to the welfare of the Company.

But there were many sorts of servants in the Company's employ who had to be dispensed with, besides the men in command. In particular there were the French Canadians,—the servants of a lower order. Arrangements were made for them to take land on the River. Their expenses in getting there were to be recouped to them and the Council granted £300 to assist them in settling on their lots. These were placed on the east side of the river.

One of the problems was what to do with the half-breed children, English, Scotch or French Canadian. Their multiplication about the forts had

long been considered a standing danger. They also were brought, though it is hard to say in what numbers, to the Settlement. Under certain benevolent influences within the Committee in London an Anglican chaplain, Rev. John West, had been sent out. The English and Scotch were placed under his care or that of his successors. The French-Canadians were given into the charge of the Roman Catholic Clergy. That the work done by the clergy of both denominations was regarded as done for the Company, helping to rid the forts of the restless and turbulent swarm of half-breeds and further in bringing the half-breeds generally under the taming influences of the church, is shown by the terms on which money was granted to them from year to year.

"Great benefit having been derived from the benevolent and indefatigable exertions of the Catholic Mission at Red River in the welfare, moral and religious instruction of its numerous followers; and it being observed with much satisfaction that the influence of the Mission under the direction of the Right Rev<sup>d</sup> The Bishop of Juliopolis has been uniformly to the best interests of the Settlement and of the country at large, it is resolved.

§That an order to mark our approbation of such laudable and disinterested conduct on the part of the said Mission the sum of £50 be given towards its support together with an allowance of luxuries for its use."

Thus the plan of 1811 for a home for the retired servants of the Company received in 1822 a far broader fulfilment than lay in the original conception, but none the less directly in line with it. It resolved the most pressing problem at the Union.

The same is true of the scheme to secure supplies for the posts within the country itself. Alex Ross and Donald Gunn following him would lead us to believe that it was not till the settlement had recovered from the flood of 1826 that provisions could be supplied to the Company but an abstract of the Minutes of the Council of 1825, found in the McLeod Papers and printed by Professor Innis in the *Canadian Historical Review* of Dec., 1926 (p. 309) calls for the following provisions from the Colony:—

- 200 cwt. best Kiln dried Flour at 20/.
- 12 cwt. Hulled Barley, 16/6.
- 100 Bushels Peas, 5/6.
- 100 Bushels unhulled Barley, 4/9.
- 1,000 Bushels hulled Indian Corn, 6/6.
- 20 Kegs Butter (60 lb. net), 60/.

In line with this the various posts more than ever before planted two or three acres beside them and the seed came from the Red River. The first cattle at Cumberland House, Carlton, Edmonton, were calved by the banks of that river.

Lastly, the lower ranks of the service of the Company were recruited from the sons of the Colony, mostly half-breed—as efficient as any that ever came from Montreal. When the supply of labour was increased and became stable, the Company found it good business not to retain servants for the twelvemonth, but to hire voyageurs from the Red River for the trip, to Norway House, to York Factory and even to Portage la Loche where the goods were handed over to the crews from Athabasca and McKenzie's River. It proved more profitable still to let out the freight by contract with the men of the Settlement.

Altogether the Red River Settlement more than filled the place the fur-trader sketched for it in 1811. It more than realized in peace the part it was intended to play in the years of warfare.





# TRAVEL LITERATURE AS SOURCE MATERIAL FOR THE HISTORY OF UPPER CANADA 1791-1840

By JAMES J. TALMAN

The term travel literature for the purposes of this paper has been taken to include all classes of this and kindred literature, the general requirement being that the writer should have spent but a short time in the country. This standard, however, cannot be applied too rigidly as there are many accounts, written by persons who became domiciled in the country, which are too valuable to be overlooked. Although the majority of the accounts are by travellers, perhaps the name contemporary descriptive sketches might more adequately describe the subject.

Travellers' accounts and kindred literature have taken an important place as source material for history, as has been shown by some recent treatments.<sup>1</sup> Little, however, has been done with this type of material in studies of Canadian history. This is especially true of the early history of Ontario. It is hard to credit, but it is nevertheless a fact, that by 1820 Canada was the Mecca of many tourists. Many guide-books were published in the United States, which suggested Canada in their itineraries. The tours were generally designated "Northern" if Canada was included. Between 1825 and 1834 there were at least six different publications which have been noted. Some of these reached four or five editions.<sup>2</sup> The practice of writing these books and suggesting tours was so general, that as early as 1819 the editor of *Niles' Weekly Register* felt that he should also publish his suggestions, and outlined a route including Canada.<sup>3</sup> The usual custom for persons visiting this country was to travel from New York up the Hudson to Albany, then by stage, or after the Erie Canal was completed, by boat, to Buffalo and Niagara Falls. A stage took the travellers from the Falls to Queenston or Lewiston and a steamer was taken at either of these places for Kingston. Usually a stop was made at York [Toronto] for a few hours. The travellers usually went from Kingston to Montreal by stage and returned to New York or England after visiting Quebec.<sup>4</sup>

The guides published for the use of travellers contain little material of value for historical study, except the descriptions of routes, hotels, and

<sup>1</sup> e.g. Allan Nevins, *American social history, as recorded by British travellers*. New York 1923.

Joseph Paul Ryan, *Travel literature as source material for American Catholic History*, in the *Illinois Catholic Historical Review*, January 1928, p. 179.

<sup>2</sup> *The fashionable tour, in 1825; an excursion to the Springs, Niagara, Quebec and Boston, Saratoga Springs* 1825. This reached four editions at least.

*The modern traveller. A popular description, geographical, historical and topographical, of the various countries of the globe*, 1829.

*The North American tourist*. New York 1839.

*A northern tour, being a guide to Saratoga, Lake George, Niagara, Canada, Boston, etc., etc., through the states of Pennsylvania, New Jersey, New York, etc.* Philadelphia, 1825.

*The Northern traveller and northern tour; with the routes to the Springs, Niagara and Quebec, and the coal mines of Pennsylvania; also a tour of New England*. New York, 1825. Fifth edition New York 1834.

*The Tourist, or pocket manual for travellers on the Hudson River, the western canal and stage road to Niagara Falls, down Lake Ontario and the St. Lawrence to Montreal and Quebec*. New York 1834.

<sup>3</sup> *Niles' Weekly Register*, supplement to vol xvi, 1819. The tour suggested by the Register was taken from Poulson's *American Daily Advertiser*.

<sup>4</sup> Andrew Picken, *The Canadas*. London 1832, p. 225.



historical incidents connected with the sights which would be seen by the tourists. In the northern tours the battles of the War of 1812 were dear to the heart of the descriptive writer. However, if these accounts do not contain valuable material, their very existence and number show that there were many persons continually travelling through the country. In 1837, Mrs. Jameson stated that she had been told that during the previous summer one hundred and fifty travellers and visitors sat down to dinner almost daily at one of the two Niagara hotels; although in 1837 the trade declined, owing to the commercial embarrassments in the United States.<sup>5</sup>

With such a large number of people going through the country, it is not surprising that the years between 1791 and 1840 should have been very rich in travellers' accounts, especially as visitors were not diffident about setting down their impressions in print. American tourists were not as prone to do this as the British travellers, who often included a description of Upper Canada along with their accounts of the United States. John Macaulay, a member of the legislative council and later Receiver General of Upper Canada, wrote to his mother in 1837, "We have had a great Oxford professor of chemistry here lately—Dr. Danberry,"; and added as though it was a common practice, "he will doubtless write a book about Canada."<sup>6</sup> There seems to be no record of his having done so. The numbers that were published, however, show that Macaulay was justified in his presumption.

Kingsford, in his small bibliography of Ontario, published in 1892, lists many works, which he describes as being published "outside the territory of Canada."<sup>7</sup> This list contains ninety-one titles that may be considered as coming in the class of literature under discussion. In addition to these there are at least thirty other accounts which Kingsford did not have. A few of these such as Goldie's diary and Langton's letters have been published since Kingsford wrote his book, but the majority were published soon after they were written, and should have been included by him. Thus it can be seen there is a large collection of accounts, numbering not less than one hundred and twenty, available for students of the period between 1791 and 1840 in Upper Canada. Only about fifteen of these accounts were published between 1791 and 1815, which leaves the large number of over one hundred accounts descriptive of the period between the end of the War of 1812 and the Union of Upper and Lower Canada. During this twenty-five years there was no particular period which was more productive than any other, and each year saw approximately the same number of accounts published.

The majority of writers were British. The accounts of La Rochefoucault-Liancourt, Ogden, and Bernhard are the outstanding ones written by non-British travellers. La Rochefoucault's is one of the best accounts of Upper Canada written by a traveller of any nationality and no accounts prior to 1825 are to be compared with it. Ogden was a citizen of the United States. Bernhard was a German duke. He spent very few days in Upper Canada and confined his remarks to descriptions of steam boats and the inns at Brockville, where he preferred to spend the night on board because the two taverns were so full of people and had such a dirty appearance.<sup>8</sup>

<sup>5</sup> Anna Jameson, *Winter studies and summer rambles in Canada*. New York 1839, vol i, p. 270.

<sup>6</sup> Archives of Ontario. *Macaulay papers*, Case iv, package M5, no. 00717.

<sup>7</sup> William Kingsford, *The Early Bibliography of the Province of Ontario*. Toronto 1892, p. 42.

<sup>8</sup> Bernhard, *Travels through North America, during the years 1825 and 1826*. Philadelphia 1828, vol. i, p. 83.

The British travellers were of all classes and often gave their occupations after their names to indicate their special qualifications as writers. Both Stuart and Howison stated that they were "of the honourable East India's Company's service," though the value, in a literary way, of such a connection is not clear. The legal profession was represented by Fergusson, Vigne and Wells. Fergusson settled in Upper Canada after he had made two journeys to the country. Adam Fergusson, who later took the name Blair and was identified with Confederation, was his son. Fidler, Bell and Carruthers were clergymen. Fidler was an Anglican and spent a few years as missionary at Thornhill, on Yonge street. Bell was the Presbyterian clergyman who went to Perth in 1817 when the settlers there petitioned the British government for a minister. Blane contented himself by publishing an account of his travels as being "by an English gentleman." Bouchette was a surveyor and MacTaggart a civil engineer employed in the construction of the Rideau canal. Basil Hall was a naval officer and George Head, Coke and Francis Hall were military men. Rolph, Dunlop, and Pryor were physicians. Dr. Thomas Rolph was a medical man in Ancaster and is not to be confused with Dr. John Rolph of St. Thomas, who was connected with the rebellion of 1837. Dunlop was warden for the Canada Company, and his small anonymous work "by a backwoodsman" was very popular when it was published. Fothergill, Talbot and Mackenzie edited newspapers at various times in Upper Canada. Talbot had an interesting career and was the editor of London's first newspaper, the *Sun*.<sup>9</sup> Farmers and settlers made up the largest group of writers on Upper Canada and contributed many valuable accounts. Pickering, Need, Mrs. Traill, Langton, Shirreff and others who wrote anonymously were of this category. Pickering spent a few years in the Talbot settlement as supervisor for Colonel Talbot and his account is authoritative. Need's diary and Langton's letters should be read together as both settled near Peterboro in the early thirties. The editor of the Langton letters has pointed out parallel incidents in the two accounts and has shown some discrepancies between them, when both describe the same incident but give different dates.

No two writers spent the same length of time in Upper Canada. There are the accounts of hurried travellers who spent only a few days in the country. These saw little except the roads, steam boats and inns, but seldom failed to include Upper Canada in the title of their works. William Dalton, for example, who travelled through the United States and "part of Upper Canada," crossed the Niagara river at Fort Erie and went down the Canadian side to Queenston, from where he went to Lewiston. Abdy, on the other hand, devoted twenty-six pages of his three volumes to Upper Canada and did not record it in his title. This, however, was an exceptional case. Some writers spent much time in Upper Canada and others settled in the country before they wrote their accounts. As a general rule these works are of greater value than those of transients. In many cases the title of the work is some indication of the length of time spent in the country.

The so-called emigrant's guides or handbooks are different from the above accounts but no hard and fast distinction can be made. The accounts of most travellers were often written with an eye to the "failing farmers or webless weavers"<sup>10</sup> who might be contemplating emigration. The

<sup>9</sup> See Fred Landon, *Some early newspapers and newspapermen of London*. Transactions of the London and Middlesex Historical Society, 1927.

<sup>10</sup> Adam Fergusson, *Practical notes made during a tour in Canada*. Edinburgh 1834, p. vii.



numbers of accounts published in Scotland and Ireland, from where there was much emigration in those days, show where the readers were. Furthermore, many emigrant's guides were based on travellers' accounts. The value of these guides to the modern reader depends upon the acknowledgment of sources used by the writer. Occasionally long extracts of valuable and uncommon accounts may be encountered. For example, Inches, who probably was never in Canada, attacked the accounts of Pickering, Ferguson, Dunlop, and Hickey, and gave long quotations from each. In contrast with this, Mudie wrote one of the best and most popular emigrant's guides of his period but to-day it is scarcely of any value to the student of history. There is no way of knowing how valuable one of these guides will be until it is read, but it is a safe assumption that a book claiming to be only a handbook for the use of emigrants will not contain as much valuable material as the description of a tour or sojourn in the country.

The literary form of the descriptions varied with the writers. Mrs. Jameson undoubtedly heads the list as a stylist, with her German quotations and irrelevant literary interpolations; but the accounts of Howison, Talbot and Mrs. Traill were not much inferior and remain close to the subject. Niagara Falls provided many writers with an outlet for their literary talents, and practically all attempted to describe them, although all admitted that the description had been written better before.

The form of the narratives followed all plans. Most writers based their accounts on their diaries and some, such as Need, published their diaries in their original form. Others roughly followed their diaries but added facts they had collected and conclusions they had formed, which were suggested by the incident at hand. Pickering followed the latter plan and at the same time put together what was probably the most badly written account of all, with the exception perhaps of Fowler's. A common conceit was to call the chapters letters. In some cases the accounts were really a series of letters and even were edited by a person other than the writer, as in the case of Magrath. The numerous other occasions, however, on which this was done seems to imply an effort to impart an air of authenticity to narratives which otherwise might be doubted.

The value to the student of the class of literature under discussion lies in the fact that it throws light on social and, to a lesser degree, economic conditions. Most writers were content, like Mrs. Jameson, to abstain "from politics and personalities."<sup>11</sup> Even William Lyon Mackenzie's volume is almost entirely free from any political discussion. Practically the only exceptions to this are Gourlay's *Statistical account*, Sir Francis Bond Head's *Narrative*, which is primarily of a political nature, and Preston's *Three years* which is obviously an account written in a fit of pique because he was not taken up by the family compact group in Toronto. Even the social problems that were closely allied with the political situation, such as crown and clergy reserves, received scanty reference.

The value of travellers' accounts and kindred literature in the study of social conditions is lessened by the indifferent observation and the preconceptions of the writers. David Wilkie, a Scotch traveller who went through Upper Canada in 1834, had a great deal to say about the method of writing accounts. All travellers, he stated, had preconceptions and

<sup>11</sup> Jameson, *op. cit.*, vol. i, p. vii.

when their observations agreed with their preconceptions the point was settled satisfactorily. When the facts disagreed the writers either gave up the point, followed their own opinions, or made a compromise between the two.<sup>12</sup> Furthermore, most travellers noticed the same things. It was natural that practically all writers should describe the inns at which they stayed and the system of performing labour by "bees," which was a phenomenon peculiar to America. Methods of clearing land, building fences, advice regarding crops, details of construction for log houses, were all published, because they were certain to interest prospective emigrants. The prevailing drunkenness, the "republican notions," and democratic ideas of equality, which made it possible for all classes to sit at the same table, were noted. But the more occasional phases of life, such as the weddings and the funerals, were not very often described.

The similarity of accounts was partly caused by the habit, common to writers, of reading previous accounts. They all did it. Talbot read Stuart's guide, which he very aptly described as the "Pilgrim's guide to the celestial regions."<sup>13</sup> Talbot had also read Duncan's and Fothergill's accounts. Shireff read Fergusson's narrative and Wilkie in turn read Shirreff's. Mrs. Traill who was usually original had read Dunlop's work, and other examples could be multiplied indefinitely. The great differences between accounts, therefore, arose from the personalities and aims of the writers. Fergusson and Dunlop were interested in developing the country because of their connection with the Canada Company. Shirreff had a brother in the American West and saw little good in Canada. W. G. Mack, who wrote in the interest of the British American Land Company, described Upper Canada as a fever ridden locality, in an effort to attract settlers to the Eastern townships. Mrs. Jameson, accustomed to an educated and cultured society in Europe, naturally saw little that pleased her in Canada. Howison was ill during the greater part of his travels and his writing was influenced by the moroseness which resulted. Talbot seems to have had no reason for his very unflattering and occasionally unfair opinion of the people of Upper Canada. The writer who called himself an "ex-settler"<sup>14</sup> had failed to make a success of his venture in the "bush" and his narrative is correspondingly biased. Optimistic accounts were, as it has been said, often engendered by a desire to encourage emigration and develop the country. Others were the result of patriotism that endeavoured to exalt Upper Canada at the expense of the United States. The feelings of patriotism that made Abdy feel that he was "breathing the pure air of liberty after having so long inhaled the foetid atmosphere of mock equality,"<sup>15</sup> when he crossed the Niagara river into Canada, must have made him see things in Upper Canada with a less critical eye than in the United States. Fidler's observations and Strachan's account suffered from the same influence. The attitude of the writer is generally obvious, however, and this can be taken into account when reading these works.

Some of the limitations of these accounts have been noticed. Fortunately, however, the same limitations are not found in all accounts.

<sup>12</sup> David Wilkie, *Sketches of a summer trip to New York and the Canadas*. Edinburgh, 1837, pp. 165, 188.

<sup>13</sup> Edward Allen Talbot, *Five years residence in the Canadas*. London 1824, vol. i, p. vi.

<sup>14</sup> *Canada in the years 1832, 1833 and 1834*. . . by an ex-settler. Dublin 1835.

<sup>15</sup> Edward Strutt Abdy, *Journal of a residence and tour in the United States of North America*. London, 1835, vol. i, p. 300.



If, therefore, a sufficient number is read, and there certainly are many accounts available, it is not a difficult matter to discover the true state of affairs in Upper Canada. Wilkie's conclusion that emigrants could "pore over volume after volume on this interesting subject, and be little wiser at the end concerning the principal points of their enquiry,"<sup>16</sup> is therefore altogether too sweeping and the opposite of the truth.

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<sup>16</sup> Wilkie, *op. cit.*, p. 165.

# LIST OF WORKS TO WHICH REFERENCE HAS BEEN MADE IN THE FOREGOING ACCOUNT

Abdy, Edward Strutt

*Journal of a residence and tour in the United States of North America, from April 1833 to October, 1834.*  
London, 1835.

Bell, Rev. William

*Hints to emigrants, in a series of letters from Upper Canada.*  
Edinburgh, 1824.

Bernhard, Duke of Saxe-Weimar Eisenach

*Travels through North America, during the years 1825 and 1826.*  
Philadelphia, 1828.

[Blane, William Newnham]

*An excursion through the United States and Canada during the years 1822-1823.*  
By an English gentleman.  
London, 1824.

Bouchette, Joseph

*The British dominions in North America.*  
London, 1832.

*Canada in the years 1832, 1833 and 1834, containing important information and instruction to persons intending to emigrate thither in 1835.*

By an ex-settler, who resided chiefly "in the bush" for the last two years.  
Dublin, 1835.

Carruthers, J.

*Retrospect of thirty-six years' residence in Canada West, being a Christian journal and narrative.*  
Hamilton, 1861.

Coke, E. T.

*A subaltern's furlough, descriptive of scenes in various parts of the United States, Upper and Lower Canada, New Brunswick and Nova Scotia, during the summer and autumn of 1832.*  
New York, 1833.

*Counsel for emigrants and interesting information from numerous sources with original letters from Canada and the United States.* Ed. John Mathison. Second edition.  
Aberdeen, 1835.

Dalton, William

*Travels in the United States of America and part of Upper Canada.*  
Appleby, 1821.

Duncan, John Morison

*Travels through part of the United States and Canada in 1818 and 1819.*  
Glasgow, 1823.

[Dunlop, Dr. William]

*Statistical sketches of Upper Canada, for the use of emigrants.* By a Backwoodsman.  
London, 1832.

Fergusson, Adam

*Practical notes made during a tour in Canada, and a portion of the United States in 1831.* Second edition to which was added a description of a trip in 1833.  
Edinburgh, 1834.



*A few plain directions for the persons intending to proceed as settlers in His Majesty's province of Upper Canada in North America. By an English farmer settled in Upper Canada.*  
London, 1820.

Fidler, Rev. Isaac

*Observations on professions, literature, manners and emigration in the United States and Canada, made during a residence there in 1832.*  
London, 1833.

Fothergill, Charles

*A sketch of the present state of Canada, drawn up especially for this work.*  
York [U.C.], 1822.

Fowler, Thomas

*The journal of a tour through British North America to the falls of Niagara, etc.*  
Aberdeen, 1832.

Goldie, John

*Diary of a journey through Upper Canada and some of the New England States, 1819.*  
Toronto, 1897.

Gourlay, Robert

*Statistical account of Upper Canada, compiled with a view to a grand system of emigration, in connection with a reform of the poor laws.*  
London, 1822.

Hall, Captain Basil

*Travels in North America, in the years 1827 and 1828.*  
Edinburgh, 1829.

Hall, Lieut. Francis

*Travels in Canada and the United States in 1816, 1817.*  
London, 1818.

Head, Sir Francis Bond

*A Narrative of the Canadian rebellion of 1837.*  
Toronto, 1839.

Head, Sir George

*Forest scenes and incidents in the wilds of North America, being a diary of a Winter's route from Halifax to the Canadas, etc, Second edition.*  
London, 1838.

[Hickey, William]

*Hints on emigration to Upper Canada, especially addressed to the middle and lower classes in Great Britain and Ireland. By Martin Doyle [pseud.] Third edition.*  
Dublin, 1834.

Howison, John

*Sketches of Upper Canada, domestic, local and characteristic; to which are added, practical details for the information of emigrants of every class. Third edition.*  
Edinburgh, 1825.

Inches, James

*Letters on emigration to Canada, addressed to the Very Reverend Principal Baird. Second edition.*  
Perth, 1836.

Jameson, Mrs. Anna

*Winter studies and summer rambles in Canada.*  
New York, 1839.

Langton, John

*Early days in Upper Canada, letters of John Langton, from the backwoods of Upper Canada and the audit office of the province of Canada.*  
Toronto, 1926.

Mack, W. G.

*A letter from the Eastern Townships of Lower Canada, containing hints to intending emigrants as to the choice of situation, etc.*  
Glasgow, 1837.

Mackenzie, William Lyon

*Sketches of Canada and the United States.*  
London, 1833.

Mactaggart, John

*Three years in Canada. An account of the actual state of the country in 1826, 1827 and 1828.*  
London, 1829.

Magrath, T. W.

*Authentic letters from Upper Canada, with an account of Canadian field sports.*  
Dublin, 1833.

Mudie, Robert

*The emigrant's pocket companion; containing, what emigration is, who shall be emigrants, where emigrants shall go, a description of British North America, especially the Canadas, and full instructions to intending emigrants.* First edition.  
London, 1832.

[Need, Thomas]

*Six years' residence in the bush, or extracts from the journal of a settler in Upper Canada, 1832-1838.*  
London, 1838.

Ogden, John C.

*A tour through Upper and Lower Canada: by a citizen of the United States.*  
Litchfield, 1799.

A synopsis of this account is published in the Ontario Historical Society, Papers and Records, vol. xxi, p. 210.

Picken, Andrew

*The Canadas, as they at present commend themselves to the enterprise of emigrants, colonists and capitalists.*  
London, 1832.

Pickering, Joseph

*Inquiries of an emigrant, being the narrative of an English farmer from the year 1824 to 1830.* A new edition.  
London, 1831.

Preston, T. R.

*Three years' residence in Canada, 1837-1839.*  
London, 1840.

Pryor, Abraham

*An interesting description of British America from personal knowledge and observation, containing many and various communications not before made public.* Second edition.  
Providence, 1819.

La Rochefoucault-Liancourt

*Travels in Canada, 1795.*  
The thirteenth report of the Bureau of Archives for the Province of Ontario, 1916.  
Toronto, 1917.

Rolph, Dr. Thomas

*A brief account together with observations made during a visit in the West Indies and a tour through the United States of America in parts of the years 1832-3, together with a statistical account of Upper Canada.*  
Dundas, U.C., 1836.



Shirreff, Patrick

*A tour through North America, together with a comprehensive view of the Canadas and United States as adapted for agricultural emigration.*  
Edinburgh, 1835.

Strachan, James

*A visit to the province of Upper Canada in 1819.*  
Aberdeen, 1820.

Stuart, C.

*The emigrant's guide to Upper Canada, or sketches of the present state of the province collected from a residence there during the years 1817, 1818 and 1819.*  
London, 1820.

Talbot, Edward Allen

*Five years' residence in the Canadas, including a trip through part of the United States of America, in the year 1823.*  
London, 1824.

[Traill, Catherine Parr]

*The backwoods of Canada, being letters from the wife of an emigrant officer, illustrative of the domestic economy of British America.*  
London, 1836.

Vigne, Godfrey T.

*Six months in America.*  
London, 1832.

Wells, W. B.

*Canadiana. Containing sketches of Upper Canada and the crisis in its affairs.*  
London, 1837.

Wilkie, David

*Sketches of a summer trip to New York and the Canadas.*  
Edinburgh, 1837.

# THE FRONTIER SCHOOL AND CANADIAN HISTORY

BY JOHN L. McDougall

This paper falls naturally into three divisions. In the first I attempt to give a fair statement of Professor Turner's position. In the second I put certain historical facts which, in my opinion, are not consistent with the frontier theory. In the third I attempt to question the basis of the frontier theory itself.

## I

In 1893 Professor Turner read his now famous paper, "The Significance of the Frontier in American History" before the American Historical Association, and in so doing opened a new epoch in the study of American history. Since that time the line of approach which he laid down has been so much the accepted method that I know of only one attempt to question it.<sup>1</sup>

May I refresh your memories by quoting some excerpts and summarizing others. "Up to our own day American history has been in a large degree the history of the colonization of the Great West. The existence of an area of free land, its continuous recession, and the advance of American settlement westward, explains American development". In the light of that guiding principle he went on to find the explanation for the growth of individualism and democracy, for the shaping of the powers of the national government and the course of political history, for the forming of the American mind. When in 1920 he came to a restatement of his position he held to the same interpretation:—"But the larger part of what has been distinctive and valuable in America's contribution to the history of the human spirit has been due to this nation's peculiar experience in extending its type of frontier into new regions; and in creating peaceful societies with new ideals in the successive vast and differing geographic provinces which together make up the United States. Directly or indirectly these experiences shaped the life of the Eastern as well as the Western States, and even reacted upon the old world and influenced the direction of its thought and its progress. This experience has been fundamental in the economic, political and social characteristics of the American people and in their conceptions of their destiny."<sup>2</sup>

## II

I have to urge that if the frontier, an external force, is to be given this degree of importance as the creator of ways of thought, then by parity of reasoning we ought properly to expect similar frontiers in other sections of the globe to produce corresponding results. I will not attempt to deal with the Spanish and Portuguese settlements of South America, though I would like to suggest that the reason for their divergence from the American type is not solely climatic because a large part of the Argentine has a climate similar to that of a large part of the United States, but will confine myself to Canadian examples.

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<sup>1</sup> Almack C. J. "The Frontier Shibboleth", *Current History Magazine* 1925.

<sup>2</sup> Preface to "The Frontier in American History", Holt N.Y. 1920.



No early settlement in North America was more thoroughly exposed to all the influences of the frontier than that of the French Canadians in the St. Lawrence Valley. All the frontier influences beat upon them with unparalleled force. Their trade routes to the west by way of the St. Lawrence and the Ottawa, to the north by way of the Saint Maurice and the Saguenay, and to the south by the Richelieu, were infinitely better than those open to the English speaking colonists to the south, and they showed very early how ready they were to make use of them. The early explorations of Etienne Brule, Champlain, Jean Nicolet, and others, provide an enviable record, and they were only the first fore-runners of a long line of great discoverers culminating in the great work of La Verendrye who may himself have merely consolidated the achievements of earlier and unknown traders. By the support given to the Huron and Algonquin tribes they won for themselves the enmity of the Iroquois and were periodically under attack for nearly a century. It was not until the treaty of Montreal (1701) that the peak of danger was passed. Until that time the colony was exposed to and suffered cruelly from all the horrors of Indian warfare. Easy communications work both ways and time after time the Iroquois carried war into the very heart of the colony. In defence and in retaliation the French adopted Indian methods of warfare and became highly expert in them. Their capacity for canoe travel is traditional. Under such conditions the more adventurous spirits gravitate to the frontier, so sheltering the more sedentary and peaceful. That tendency was in part counteracted by the *corvée* which acted as a form of conscription. As the great scheme of hemming in the English east of the Ohio and the Mississippi developed, with its incessant need for men, this *corvée* pressed more and more heavily upon Quebec and the chances of escaping its action grew ever slimmer. It can never be said, therefore, that Quebec escaped that baptism into frontier ways which, we are told, so strongly affected America. It was no mere sprinkling but a total and prolonged immersion. Yet despite it all, they created an excessively stable, unadventurous society. All of it, with the exception of three seigneuries, lay below the first rapids. They recreated upon the banks of the St. Lawrence a replica of the French society which they had left. Nor can it be urged that this was solely, or even primarily, the influence of the form of government.<sup>3</sup> It is perfectly true that government from Versailles lay like a dead hand over every activity of the colony. But that ended in 1763 without making any serious change in the social situation of Quebec. After the Cession, the Scots merchants of Montreal built up their great fur trade with the west but in that activity only one or two French merchant families took part, although the whole trade rested upon an adequate supply of French-Canadian voyageurs. Nor were the voyageurs themselves affected very much by their experiences. Those who came back, melted into the general community.

As time went on, Ontario and the Eastern Townships of Quebec were settled by folk of British stock. The French population grew without spreading beyond the original area until the pressure of population created a serious problem on many seigneuries. In 1829 the Special Committee on Roads and Other Internal Communications reported that "The necessity of forming new settlements becomes more and more pressing for there are parishes in which fathers of families live on mere building lots;—this is a most alarming circumstance because it tends to the rapid introduction of poverty among the agricultural classes."<sup>4</sup> In the 1830's a movement of

<sup>3</sup> As does De Tocqueville. See *L'Ancien Régime et la Révolution*, p. 86 n. Ed. Calmann Lévy, Paris.

<sup>4</sup> Printed by order of the Assembly, Quebec, 1829. p. 923.

casual harvest labour to the New England States began,<sup>5</sup> but no competent observer ever looked upon this redundant population as forming a reserve of colonizing material. Only those of British stock, it was believed, were ready to face the hardships inevitable in the first years of pioneering. Perhaps the best testimony upon this point is that of C. F. Fournier, the Surveyor. Fournier had been engaged on the request of the Post Office authorities to see if a practicable road could be cut from the Rivière Ouelle to the mouth of the Madawaska. The old Temiscouata portage had never been properly maintained because settlers could not be induced to live along it. He reported in favor of the new route "d'autant plus qu'il est probable qu'un certain Nombre d'émigrés s'y établiraient aussi, qui, comme on est forcé de l'avouer, s'entendent mieux que nos cultivateurs dans les commencemens d'un défrichement d'une terre et sont plus industrieux."<sup>6</sup>

The French in the St. Lawrence Valley were compactly settled which gave them the advantage of mutual support. That was not true of the Madawaska settlement. Its nucleus was composed of Acadians who had been caught in the great dispersion of 1755 but who managed to work back and settle at Aupaque on the St. John River a few miles above the present town of Fredericton. At the end of the Revolutionary War it was desired to establish a regular communication between Quebec and Halifax by way of the Temiscouata portage and the St. John River. At the same time the Acadians wished to move further up-stream in order to be nearer the ministers of religion in the parishes on the St. Lawrence and because they feared lest they be swamped by the recent influx of United Empire Loyalists. The two aims coincided and the settlement at the mouth of the Madawaska was made with the assistance of the Governor of Nova Scotia and of Governor Haldimand of Quebec. By 1791 a travelling Scottish gentleman found a large settlement extending along the St. John entirely isolated and self-contained, but with a very high degree of comfort.<sup>7</sup> Having attained to that degree of well-being which seemed fitting, they were content to live happily. There was no poverty. The colony grew naturally, but without the speed of the American settlements. When in 1830, another of the many projects for the improvement of the facilities for through travel was being considered, T. A. Stayner, Assistant Postmaster General for British North America, travelled from Quebec to Fredericton and made a report<sup>8</sup> embodying his observations. He stated that the Madawaska settlement had a population of some 3,000 souls; the land was cleared with fine fields and meadows and good houses "and yet, strange to say, without any road". The fences ran right back to the woods and the people used canoes in the summer and travelled on the ice in the winter.

Up to this point, examples have been drawn from the history of French Canada. Before bringing this section to a close I would like to notice two other instances of importance to the point at issue, namely, the history of British Columbia in the decade after 1858 and that of the Yukon

<sup>5</sup> In 1839, Lord Colborne disturbed by reports of unusually large numbers leaving the seigneuries of the Montreal District, for the United States, asked the Bishop of Montreal to send out a questionnaire on that topic to the parish priests. They reported that the greater part of those who have left had gone in search of work. "Their numbers do not exceed those of preceding years at the season in which the Habitans generally resort to the United States to obtain the higher wages which are given to Labourers." Colborne to Normanby 16 Sept. 1839 Arch. Can. Q 260-1, pp. 172-4.

<sup>6</sup> Fournier to the Hon. C. E. Casgrain, Arch. Can. L. C. Sundries, 20 Aug. 1839.

<sup>7</sup> Smith, W. *History of the Post Office in British North America 1673-1870*, pp. 77 and sources there noted. Cambridge 1920.

<sup>8</sup> Statement of the Condition of the Post Road, Quebec to Fredericton, 26 Aug. 1830, Arch. Can. Series C. 286, pp. 21-5.



after 1898. The great majority of the miners who came in the Fraser River and Cariboo gold rushes were either Americans by birth or had worked in California or in the Inland Empire. The lawlessness in the two latter areas is as much a matter of common knowledge as the relative peace of British Columbia, yet all three areas were raw frontiers, and as if to make the lesson clearer most of the miners who were successful in British Columbia went back to California each winter.<sup>9</sup> The same comparison holds between Alaska and the Yukon after 1898. In view of these facts is it not proper to ask whether the external environment, the frontier, really was the dominant creative force which moulded American life? Would it not be more proper to describe it as a catalyst which set free elements in the American character not present in the same degree in other civilizations?

### III

That is the line of attack which gives the best returns. The distinguishing mark of French Canada is the degree of social cohesion which it possesses. The fur-trader with his word of good lands farther on was dynamite to the American society of his time, he was an alien curiosity in Quebec. To the French-Canadian, living well meant living in community. The Coureurs des Bois were men who had surrendered that right and were more to be pitied for spiritual blindness than to be envied for their greater economic opportunities. The present colonizing activities in Northern Ontario and Quebec, so markedly at variance with the record of the first seventy years of the last century, merely witness to that cohesion. The whole movement was begun by the Church and is carried on by it. It began as a relief to the older areas and as a counter-attraction to the mill-towns of New England. Nothing could be farther from the American experience—what is aimed at is not a haphazard response to the call of free land, but a carefully pre-arranged building of new communities. The raw frontier is not something whose passing is regretted as it has been in the United States. It is to be wiped out as soon as possible. Success is attained when the village spire is within the view of every settler and the angelus marks the beginning and the ending of his day.

Certain criticisms of a wider nature must also be urged. What is a frontier? What are natural resources? A moving frontier is in its essence the reverse side of a developing technique of production and of transportation. Before one can understand the frontier one must have a working knowledge of the industrial order which created it, its trend and its rate of growth. Natural resources are the creation of this advancing technique and for their development call for enormous supplies of capital. It is immaterial whether that capital is supplied in the form of long-term commercial credits to the early planters and fur-traders or, as in the later period, through loans to the individual states for the building of canals and railways. To draw upon current history, the whole of the gold mining industry in Canada rests on the cyanide process, a product of the last fifty years, while the present activity in prospecting for base metals is the fruit of developments of the last two decades in metallurgical extraction methods and in the aeroplane. And incidentally is not a great deal of the prospecting for copper now going on inside the Arctic circle a reflex of the rise

<sup>9</sup> G. Douglas to Newcastle April 15, 1862, (*Arch. Can. Series G. 355*, p. 168) reporting the arrival of three passenger steamers and a sailing from California within the past two days. He labelled it the beginning of the spring migration.

of copper to 18 cents per pound. If, as now seems probable, that metal is to remain above 16 cents for the next five years the frontier is automatically advanced hundreds of miles.<sup>10</sup> It is impossible to take one particular aspect of a broad movement of this kind to the neglect of all others and still hope to give an adequate picture of its causation or of its results.

It may have been fortunate that Professor Turner dismissed French Canada in his original essay in some thirteen lines by saying that it was dominated by its trading frontier while the English colonies were dominated by their farming frontier. One might even go farther and say that it is one of the most fortunate of errors for all concerned. Had he grasped the full significance of the facts which he dismissed so lightly, his essay might have gained in insight but it would have lost that priceless certainty which has given to all the workers in the field freedom to devote their whole energies to working up the factual detail without a glimpse of that paralyzing doubt which comes when the adequacy of the basis thesis upon which the whole effort rests is in question. But such a wholesale disregard of pertinent facts cannot be fruitful of sound opinion. And whatever justification there may be for Professor Turner's thesis as an explanation of American history it could be little short of a calamity if Canadian historians were to attempt to deform the story of our own development to fit the Procrustes bed of the frontier theory. One has heard England described as a land where bad German philosophies go when they die. One may at least hope that Canada will not stand in a similar relation to the United States.

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<sup>10</sup> And, conversely, if the present attempt to stabilize prices is not successful and we return to that condition which ruled before 1914 of rather wide price fluctuations following the general trend of the business cycle, is it not likely that the frontier will alternately advance and recede in response to that movement, now up to the Arctic Ocean with high prices, now back to 20 miles from the nearest railroad as prices fall? But these movements will be deviations from a rising secular trend for in each high conjunction permanent capital will be laid out in new regions which will, in turn, provide the low point in the next reaction. The position of the Flin-Flon and Sherritt-Gordon mines illustrates this point.





# SOME HISTORIC AND PREHISTORIC SITES OF CANADA

BY

THE NATIONAL PARKS BRANCH, DEPARTMENT OF THE INTERIOR

During the past year very favourable progress was made in connection with the acquisition, preservation and marking of sites or events of a national character and the commemoration of the public services of a number of outstanding personages, prominent in the early history of the Dominion, on the recommendation of the Historic Sites and Monuments Board of Canada.

Since the inception of this national work in 1919, it may be of interest to know that from the various sites or events reviewed, two hundred and twenty-one have been selected by the board for commemoration. One hundred and fifty-four of these have to date been acquired by deed of gift, transfer, purchase or licence of occupation and one hundred and twenty-nine memorials erected.

A very artistic design of bronze tablet is used to mark these sites. This carries the historic data in brief but educational form. Where no remains or building exist on the site being marked, a standard in the form of a monolith, rubble-stone cairn or large boulder is erected to carry the tablet.

From the letters of commendation and large number of inquiries received, it would appear that public interest in the history of Canada is greater to-day among our people than at any former period.

## SITES MARKED

In addition to the sites already marked (see previous reports of the Canadian Historical Association) the following were recommended during the past year:—

### *Canso, N.S.*

A cairn, to which is affixed a bronze tablet, was erected on the south side of School street, directly opposite the Canso Public School building, to commemorate Canso's historic importance as one of the earliest settlements in Nova Scotia. It was first developed as an important fishing station by the French in the 16th century; fortified by the British in 1720; later the scene of several combats between them and the French and Indians, and the rendez-vous of the expedition of Pepperell and Warren against Louisbourg, in 1745. The memorial was unveiled with fitting ceremonies on July 2, 1928.

### *First Post Office in British North America, Halifax, N.S.*

A bronze tablet was affixed to the outer wall, at the right hand entrance to the Post Office building at Halifax, to commemorate the establishment in that city, in 1755, of the first post office in the Dominion of Canada, as now constituted.

### *King's College, Windsor, N.S.*

A bronze tablet was affixed to the exterior wall of the stone chapel building on the King's College University grounds to mark the original site of King's College, the oldest University in the King's overseas dominions, which was founded in 1789 by Right Reverend Charles Inglis, first Bishop of Nova Scotia, and other United



Empire Loyalists, and from whose walls have gone forth many distinguished men, leaders in Church and State. It was granted a Royal Charter in 1802, by King George III. The unveiling ceremonies were carried out on June 8, 1928, in accordance with arrangements made by the Nova Scotia Historical Society.

*Samuel Vetch, Annapolis Royal, N.S.*

A cut-stone monument, with a bronze tablet affixed thereto, was erected in Fort Anne Historic Park to commemorate the public services of Samuel Vetch, adjutant-general of the force which captured Port Royal, capital of Acadie, in 1710. He was the first Governor and Commander-in-Chief and continued in this position until after the Peace of Utrecht, in 1713. He was also an able soldier and administrator and with Imperial vision strove to extend the realm of Britain beyond the seas. The unveiling of the memorial was carried out on September 22, 1928, with appropriate ceremonies arranged for by the Royal Historical Society.

*First Steam Fog Horn, Saint John, N.B.*

A bronze tablet was affixed to the outer wall of the Customs building in Saint John, to commemorate the invention of the first steam fog alarm in the world, by Robert Foulis, in 1854. This was installed on Partridge Island in 1859 to give warning to vessels in foggy weather. The memorial was unveiled on August 27, 1928.

*First Marine Compound Engine, Saint John, N.B.*

A bronze tablet was placed on the outer wall of the Customs House in Saint John, south of the front entrance, to commemorate the invention of the first marine compound engine in the world. This was designed by Benjamin Tibbits, a native of Queen's county, New Brunswick, and installed in the steamer *Reindeer* for service on the St. John river, in 1842. The engine was in use for more than fifty years. The tablet was unveiled with impressive ceremonies on August 27, 1928.

*Battle of Chateaugay Ford near Allan's Corners, P.Q.*

A cairn and tablet were erected on a small plot of land adjacent to the Montreal-Malone highway, donated by Mr. James Kerr, to commemorate the events associated with the engagement which took place there on October 25, 1813, between troops detailed for the defence of the ford and an invading United States force, much superior in numbers. The defeat of the latter was an important factor in saving the Island of Montreal.

*First Steamship in Canada, Montreal, P.Q.*

A bronze tablet was affixed to the outer wall of the main office of Molson's Brewery Company building on Notre Dame street East, to commemorate the events associated with the first Canadian steamship, the *Accommodation*, which was built in Montreal in 1809, by the Honourable John Molson. Her first voyage was from Montreal to Quebec on 3rd-6th November, 1809, and during the war of 1812-14 the ship rendered notable service on the same route.

*Battle of Two Mountains near Senneville, P.Q.*

A cairn, to which is affixed a bronze tablet, was erected on a small plot of land adjacent to the Gouin Boulevard, donated by Mr. and Mrs. Waldo Skinner, to commemorate the events associated with the engagement which took place on the Lake of Two Mountains in 1689, between the French and a band of Iroquois. The Indians were defeated and the Island of Montreal saved.

*Ile-aux-Coudres, P.Q.*

A white granite cross, with a bronze tablet affixed thereto, was erected on Ile-aux-Coudres, in the St. Lawrence river opposite Baie St. Paul, to mark the site where Jacques Cartier landed on September 6, 1535, and explored the island. He departed the following day after hearing mass. The memorial was unveiled with due impressiveness in September 23, 1928, in the presence of a large and distinguished gathering.

*Bishop John Strachan, Cornwall, Ont.*

A bronze tablet was placed on the outer wall of the Collegiate Institute on Sidney street, Cornwall, to commemorate the distinguished public services of the Honourable and Right Reverend John Strachan, 1778-1867, as a patriotic citizen, pioneer, educator, author, and legislator.

*Montgomery's Tavern, Toronto, Ont.*

A bronze tablet was affixed to the outer wall of Postal Station "K" North Yonge street, Toronto, to mark the site of Montgomery's Tavern, original headquarters of

William Lyon Mackenzie, leader in the Upper Canada Rebellion. It was the scene of a brief skirmish on December 7, 1837, resulting in the defeat of the insurgents by the loyal militia. This uprising was an important factor in bringing about the union of Upper and Lower Canada, in 1841, and the permanent establishment of responsible government in Canada.

*Battle of York, Toronto, Ont.*

A bronze tablet was affixed to a pedestal on the right hand side of the approach entrance to the Province of Ontario Building in the Exhibition Grounds, Toronto, to commemorate the events associated with the Battle of York, which took place there on April 27, 1813, between the Canadian Militia and invading United States troops. The memorial was unveiled with appropriate ceremonies on August 31, 1928.

*Fugitive Slave Movement, Windsor, Ont.*

A bronze tablet was placed on a column of the Dominion Bank building facing Ouellette avenue, Windsor, to commemorate the events associated with the fugitive slave movement to Canada. Before the United States Civil War of 1861-65, Windsor was an important terminal of the "underground railroad." Escaping from bondage, thousands of slaves from the south, landing there, found in Canada, friends, freedom and protection.

*Navy Island Shipyard, near Chippawa, Ont.*

A bronze tablet was affixed to a stone pedestal erected by the Queen Victoria Niagara Falls Park Commission on the south side of their boulevard near Chippawa, to mark the site of Navy Island where the last ships of war which navigated the upper lakes under the British flag were built, in 1763-4. From the 14th December, 1837, until the 14th January, 1838, Navy Island was occupied by a band of invaders, who were bombarded by batteries from the main shore. The unveiling of the memorial took place with appropriate ceremonies, on October 12, 1928.

*Vrooman's Battery, near Queenston, Ont.*

A bronze tablet was affixed to a pedestal erected by the Queen Victoria Niagara Falls Park Commission adjacent to the Niagara Boulevard near Queenston to mark the site of Vrooman's battery, engaged in the Battle of Queenston Heights, October 13, 1812, between Canadian and United States troops. The memorial was unveiled on October 13, 1928, in accordance with arrangements made by the Niagara Historical Society.

*Fort St. Joseph, St. Joseph's Island, near Sault Ste. Marie, Ont.*

A bronze tablet was placed on the old chimney, which is all that now remains of Fort St. Joseph, the most westerly post in Upper Canada, built in 1796-99 and garrisoned until 1812. It was a noted trading post and resort for the Indians. From there was launched the attack which resulted in the capture of Fort Mackinac by the British. This was an important factor in determining the course of the War of 1812, as it had the effect of influencing some of the wavering Indian tribes to line up with the British, rather than with the Americans. The tablet was unveiled on September 21, 1928.

*Indian Treaty No. 1, Lower Fort Garry, near Winnipeg, Man.*

A bronze tablet was affixed to the outer west wall of Lower Fort Garry, to mark the site where Indian Treaty Number 1, was made August 3, 1871, between representatives of the Crown and the Chippawa and Swampy Cree Indians, whereby those tribes surrendered all their rights to the lands comprised within the boundaries of Manitoba as then existing. This agreement ended the restlessness of the natives and left the way clear for peaceful settlement.

*Fort La Reine, Portage la Prairie, Man.*

A cairn to which is affixed two bronze tablets, was erected near the pumping station, in the City of Portage la Prairie, to mark the site of Fort La Reine, built in 1738, by Sieur de la Verendrye, the French-Canadian explorer and discoverer of the Canadian West. It became his headquarters and from there, explorations, northward to the Saskatchewan river, southwest to the Mandan country and to the foothills of the Rocky mountains were carried out.

*First Coal Mine in Alberta, Lethbridge, Alta.*

A cairn, to which is affixed a bronze tablet, was erected in Galt Gardens, in the city of Lethbridge, to commemorate the events associated with the first discovery of coal in the province of Alberta. The mine was opened by Nicholas Sheran, in 1872,



on the west bank of the Oldman river. This vital industry has since contributed greatly to the development of Western Canada. The memorial was unveiled on July 18, 1928, with appropriate ceremonies, in the presence of a distinguished and representative gathering.

*Barkerville, B.C.*

A cairn, to which is affixed a bronze tablet, was erected on the side of the provincial highway just outside the town of Quesnel, to mark one terminus of the Yale-Cariboo Wagon Road, completed in 1865. This place was the centre of old Cariboo, whose gold fields, discovered in 1861, have added over forty millions to the wealth of the world.

*Sir George Simpson, Kootenay Park, B.C.*

A cairn, to which is affixed a bronze tablet, was erected at the junction of the Simpson and Vermilion rivers and adjacent to the Banff-Windermere highway, fifty miles west of Banff, Alberta, to commemorate the public services of Sir George Simpson, Governor of the Hudson's Bay Company's territories (1821-1860), under whose guidance the "Far West", the "Far North" and the Arctic coast of Canada were explored. He was the first white man to cross the Rocky mountains by Simpson Pass, having accomplished this while on his memorable journey around the world in 1841. The memorial was unveiled on September 20, 1928, by Governor Charles V. Sale, of the Hudson's Bay Company.

## ACQUISITION AND PRESERVATION OF SITES

The following action was taken with respect to the acquisition of other historic properties recommended for commemoration by the Board and the preservation of monuments and structures, already administered by the Department.

### MARITIME PROVINCES

*Louisbourg, Cape Breton*

The major portion of the lands included in the original site of the fortress were purchased and steps taken to enclose them with a suitable design of fence. Most of the buildings, located thereon were removed with a view to future development work on the area.

*Fort Cumberland (Beauséjour), N.B.*

The park area was fenced, paths constructed leading to important points of interest, the moat drained, steps built up the embankment to the main earthworks and the casemate cleaned out and repaired. A number of sign boards were also erected at various points for the information of visitors.

*Fort Howe, Saint John, N.B.*

A considerable amount of loose rock was removed from the steep bluff at the junction of Rockland road and Main street as a precautionary measure for the safety of pedestrians and a large flag-staff was erected in a conspicuous location at the highest point in the park.

*Fort La Have, La Have, N.S.*

Permission was obtained from the Department of Marine and Fisheries to erect a memorial on the lighthouse reserve at La Have, to mark the site of the fort built there by de Razilly, in 1632.

*Fort Jemseg, Lower Jemseg, N.B.*

A plot of land adjacent to the public highway was donated by Mr. F. C. Nevers on which to erect a cairn and tablet to mark the site of Fort Jemseg, built in 1659, during the English possession of Acadia.

### QUEBEC

*First Railroad in British North America, St. Johns*

A licence of occupation was executed by the Canadian National Railway Company granting permission to place a tablet on the outer wall of the railway station building in St. Johns, to mark one terminus of the first railway in British North America.

*Battle of September 6, 1775, near St. Johns*

A plot of ground 25 feet square, adjacent to the St. Johns-Lacolle highway, was donated by the shareholders of the St. Johns Golf Club on which to erect a cairn and tablet to commemorate the events associated with the engagement which took place at Montgomery's Creek on September 6, 1775.

*Chaudiere Portage, Hull*

A licence of occupation was executed by the city granting permission to erect a memorial on an area situated in the centre of Montcalm street, adjacent to the Aylmer road, to mark the site of the first portage of the Chaudiere.

*Fort Chambly, Chambly*

Most of the existing stone work of the outer walls and bastions of the fort were repaired, repointed and capped with a cement coping and a protection wall placed around the bastions facing the river. A monument was erected in the old cemetery, adjacent to the fort, to carry the commemorative bronze tablet to the memory of the soldiers and others who are buried there.

*Fort Lennox, Ile-aux-Noix*

Additional repair work was carried out on the several massive stone structures located on the site to ensure of their future preservation and also on the north and south arched stone entrances. The old cemeteries were cleaned up and refenced.

## ONTARIO

*Fort Wellington, Prescott, Ont.*

Extensive improvements were made to the several buildings on the site and the work of repairing the inner palisades was practically completed. The popularity of this site is evident from the increased number of tourists who visited the place during the past year.

*Bishop Alexander Macdonell, St. Raphael.*

A licence of occupation was executed with the Roman Catholic Episcopal Corporation of the Diocese of Alexandria, granting permission to place a monument on a small plot of ground facing the parish church at St. Raphael West, and lying immediately adjacent to the main highway to commemorate the public services of Bishop Macdonell.

*Martello Shoal Tower, Kingston.*

The wooden roof was removed so as to make the tower conform with its original design, the stone work pointed and repairs made to the small landing dock and entrance.

*Battle of the Longwoods, near Wardsville.*

A plot of ground 25 feet square, immediately adjacent to the London-Chatham highway, was donated by Mr. Roy Henderson on which to erect a cairn and tablet to commemorate the events associated with the engagement which took place on March 4, 1814, between Canadian and United States troops.

## WESTERN CANADA AND BRITISH COLUMBIA

*Wawanesa, Man.*

A licence of occupation was executed with the village granting permission to erect a cairn and tablet on a plot of ground between the Sunshine Highway and the Souris river to commemorate the historic events associated with the early fur trading posts which existed in the vicinity of the confluence of the Assiniboine and Souris rivers.

*Indian Treaty No. 6, Fort Carlton, Sask.*

Mr. W. P. Urton has donated a plot of land adjacent to the main road from Prince Albert to Carlton Station on which to erect a cairn and tablet to commemorate the events associated with the signing of Indian Treaty No. 6, in August, 1876.

*Point Grey, Vancouver, B.C.*

A licence of occupation was executed by the Provincial Government granting permission to erect a memorial in the British Columbia University grounds, between the waters of English Bay and Marine Drive, to commemorate the meeting of Vancouver and the Spanish explorers in June, 1792.

*Pacific Cable, Bamfield, B.C.*

A licence of occupation was executed by the Pacific Cable Board granting permission to erect a bronze tablet on the front wall of the Cable Building at Bamfield to mark one terminal of the Pacific Cable, which was completed in 1902.



## WORK FOR THE FUTURE

The following sites, events and services of important personages have been recommended to the Department by the Board as being of national importance, and will be dealt with from time to time:—

Admiral d'Anville's Encampment, Bedford Basin, N.S.  
 Battle of Grand Pré, near Grand Pré, N.S.  
 First Atlantic Cable, North Sydney, N.S.  
 Major Gilfrid Studholme, Saint John, N.B.  
 Battle of the Petitecodiac, Hillsborough, N.B.  
 Battle of de Repentigny, near Charlemagne, P.Q.  
 Jacques Cartier's Landing, Gaspe, P.Q.  
 First Paper Mill in Canada, St. Andrews, P.Q.  
 Valcartier, P.Q.  
 Temiscouata Portage, Cabano, P.Q.  
 Lachine Massacre, Lachine, P.Q.  
 Champlain's Landing Place, Morrison's Island, P.Q.  
 Fort Coteau du Lac, Coteau du Lac, P.Q.  
 Battle of Chateauguay, Allan's Corners, P.Q.  
 Ile aux Basques, opposite Trois Pistoles, P.Q.  
 The Royal Navy, Lake Champlain, Ile-aux-Noix, P.Q.  
 First Stage Coaches and Postal Service, Quebec, P.Q.  
 First Patent in Canada.  
 Southwold Earthworks, near St. Thomas, Ont.  
 Mission of Ste. Marie 1, near Midland, Ont.  
 Action at Thomas McRae House, near Chatham, Ont.  
 Nanitoke, Ont.  
 Canoe Route Montreal to Lake Huron, Mattawa, Ont.  
 Glengarry Landing, near Edenvale, Ont.  
 First Salt Works in Canada, near St. Catharines, Ont.  
 First Petroleum Wells, near Bothwell, Ont.  
 Starting Point of Brock's Expedition to Detroit, Port Dover, Ont.  
 Sir Charles Bagot, Kingston, Ont.  
 Lord Sydenham, Kingston, Ont.  
 Butler's Burying Ground, Niagara-on-the-Lake, Ont.  
 Normandal Furnaces, near Tilsonburg, Ont.  
 Yonge Street, Toronto, Ont.  
 Brant's Ford, Brantford, Ont.  
 Dundas Street, Toronto, Ont.  
 Danforth Road, Hamilton, Ont.  
 Capture of the Tigress and Scorpion, Pentaguishene, Ont.  
 Defence of Upper Canada, War 1812-14, Kingston, Ont.  
 Amherstburg Navy Yard, Amherstburg, Ont.  
 Fort Drummond, Queenston Heights, Ont.  
 Sir Gordon Drummond, Toronto, Ont.  
 First Electric Telegraph, Toronto, Ont.  
 Ridgeway Battlefield, near Fort Erie, Ont.  
 Niagara Portage, Stamford, Ont.  
 Arctic Discovery and Exploration, Ottawa, Ont.  
 Indian Treaties, Niagara-on-the-Lake, Ont.  
 Duck Lake Battlefield, Duck Lake, Sask.  
 Battle of Fish Creek, near Rosthern, Sask.  
 Fort à la Corne, near Prince Albert, Sask.

Rocky Mountain House, Alta.  
Henry House, Alta.  
Fort Fork, Alta.  
David Thompson, Jasper Park, Alta.  
Fort Alexandria, B.C.  
Fort Victoria, B.C.  
Simon Fraser, Musqueam, B.C.  
Fort Steele, B.C.  
Yukon Gold Discovery, Dawson City, N.W.T.





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|--|---|
| Bacon, N. H., Hudson's Bay Company, 17 St. John St., Montreal.                             | Masters, C. H., 220 Bay Street, Ottawa.   |
| Brown, Sir Geo. McL., European General Manager, C.P.R., Trafalgar Square, London, England. | Mills, Colonel Dudley, 24 Washington House, Basil St., London, S.W. 3, England. |
| Curry, Hon. N., 581 Sherbrooke St. W., Montreal.   | Morgan, James, Senneville, P.Q., or Montreal.                                   |
| Dow, Miss Jessie, 20 Ontario Ave., Montreal.   | Musson, Chas. J., 17 Wilton Ave., Toronto.                                      |
| Gosselin, L. A., 501 St. Catherine Road, Outremont, P.Q.                                   | Nichol, Hon. W. S., Lieut.-Governor of British Columbia, Victoria, B.C.         |
| Hastings, G. V., 55 Donald St., Winnipeg.  | Riordon, Carl, 374 Côte des Neiges Road, Montreal.                              |
| Holt, Sir Herbert, 297 Stanley St., Montreal.  | Ross, Com. J. K. L., 107 St. James St., Montreal.                               |
| Kindersley, Sir R., Langley House, Abbots Langley, Herts, England.                         | Simpson, Mrs. J. B., 173 Percy St., Ottawa.                                     |
| Laurie, W. Pitt, 202 St. Louis Road, Quebec.   | Smith, Pemberton, 260 St. James St., Montreal.                                  |
| Lyman, A. C., 344 St. Paul St., Montreal.  | Vaughan, H. H., Dominion Bridge Co., Ltd., Lachine, P.Q.                        |
| Macfarlane, Miss J. J., 297 Sherbrooke St. W., Montreal.                                   | Whitney, Mrs. E. C., Box 553, Ottawa.   |
| Mactaggart, Col. D. D., 1075 Mount Royal Ave. W., Montreal.                                |   |

## (C) ANNUAL MEMBERS

- Adair, Prof. E. R., McGill University, Montreal.
- Allard, Rev. Father J. A., East Bathurst, Gloucester Co., N.B.
- Allard, Hon. Jules, Palais de Justice, Montreal.
- Ami, Dr. H. M., 464 Wilbrod St., Ottawa.
- Amos, L. A., 78 Crescent St., Montreal.
- Anderson, Dr. H. B., 184 Bloor St. East, Toronto.
- Angers, M. Phillipe, Régistrateur, Division d'Enregistrement du Comté de Beauce, Beauceville Est, P.Q.
- Armitage, Ven. Aarchdeacon, St. Paul's Church, Halifax, N.S.
- Ashton, Major, E. J., Soldiers' Settlement Board, Ottawa.
- Atherton, W. H., 53 Common St., Montreal.
- Audet, Francis J., Public Archives, Ottawa.
- Baillie, R. W., 572 Harvard Ave. N.D.G., Montreal.
- Barbeau, C. M., 260 McLaren St., Ottawa.
- Barber, Lieut.-Col. R. R., c/o Kilmer, Irving and Davis, 10 Adelaide St., Toronto.
- Bate, W. T., St. Catharines, Ont.
- Baylis, S. M., 808 University St., Montreal.
- Bédard, L'Abbé Lucien, 14 Dolbeau St., Quebec.
- Belcourt, Hon. N. A., 27 Goulburn Ave., Ottawa.
- Bell, Dr. C. N., 121 Carleton St., Winnipeg.
- Bernier, Capt. J. E., 27 Fraser St., Lévis, P.Q.
- Bertrand, J. P., Winnipeg.
- Biggar, O. M., 197 Clemow Ave., Ottawa.
- Birks, W. M., 254 Stanley St., Montreal.
- Bissett, Alex., P.O. Box 1390, Montreal.
- Blagrove, Rev. R. C., D.D., St. John's Rectory, Peterborough, Ont.
- Bonham, Milledge L., Jr., Hamilton College, Clinton, N.Y.
- Boothroyd, E. E., Bishop's College, Lennoxville, P.Q.
- Borden, Sir Robert, 201 Wurtemberg St., Ottawa.
- Bostock, Hon. Hewitt, 495 King Edward Ave., Ottawa.
- Brady, Alexander, Baldwin House, University of Toronto, Toronto.
- Brand, Dr. C. F., History Dept., Stanford University, California.
- Brebner, J. Bartlett, Department of History, Columbia University, New York, N.Y.
- Brett, Prof. G. S., University of Toronto, Toronto 5.
- Brown, George W., Baldwin House, University of Toronto, Toronto.
- Brown, Miss Vera Lee, Hatfield House, Smith College, Northampton, Mass.
- Browne, Peter L., 146 Côte des Neiges Road, Montreal.
- Bruce, Hon. R. Randolph, Invermere, B.C.
- Bryce, Dr. Peter Henderson, 180 Lisgar Road, Rockliffe Park, Ottawa.
- Buchanan, A. W. P., Dominion Express Bldg., 190 St. James St., Montreal.
- Budd, Ralph, 175 East Fourth Street, St. Paul, Minnesota.
- Burn, Sir George, 255 Metcalfe St., Ottawa.
- Burpee, L. J., 22 Rideau Terrace, Ottawa.
- Burt, Prof. A. L., University of Alberta, Edmonton S., Alta.
- Butchart R. P. Tod Inlet, Vancouver Island, B.C.
- Cambie, Charles, Canadian Bank of Commerce, 2 Lombard St., London, E.C. 3, England.
- Cantlie, Lieut.-Col. G. S., 502 Sherbrooke St. W., Montreal.
- Cardin, l'honorable P. J. Arthur, Ministre de la Marine et des Pêcheries, Ottawa.
- Caron, M. l'abbé Ivanhoe, 170 rue la Tourelle, Quebec.
- Carrothers, William Alexander, University of Saskatchewan, Saskatoon, Sask.
- Casey, Miss Magdalen, Librarian, Dominion Archives, Ottawa.
- Caty, Charles, 1554 Bernard Ave. W., Apartment 36, Outremont, P.Q.
- Cayley, Chas. B., Trinity University, Waxahachie, Texas, U.S.A.
- Chapais, Hon. Thomas, Casier Postal, 66, Quebec, P.Q.
- Chartier, Chanoine Emile, Université de Montréal, Montréal.
- Chicoutimi, Séminaire de, Chicoutimi, P.Q.
- Chrysler, F. H., K.C., 41 Central Chambers, Ottawa.
- Clark, John C., 42 Playter Crescent, Toronto 6.
- Clergue, F. H., 10 Place d'Youville, Montreal.
- Coates, R. H., 176 Manor Ave., Rockliffe, Ont.
- Cochrane, Chas. N., Dean's House, University College, Toronto.
- Cockshutt, W. F., Brantford, Ont.
- Colby, C. W., Room 1815, Royal Bank Building, Montreal.
- Cook, A. C., University of British Columbia, Vancouver, B.C.
- Corless, C. V., Mond Nickel Co., Coniston, Ont.
- Coutts, G. B., 517 7th Ave. W., Calgary, Alta.



(C) ANNUAL MEMBERS—*Continued*

- Coyne, Dr. James H., St. Thomas, Ont.  
 Crane, J. W., Medical School, Western University, London, Ont.  
 Creighton, Donald C., Baldwin House, University of Toronto, Toronto.  
 Crofts, Frederick C., Box 573, Niagara Falls, New York.  
 Cross, Jesse E., 714 International House, 500 Riverside Drive, New York City.  
 Crouse, Nellis M., Cayuga Heights Road, Ithaca, N.Y.  
 Crowe, Judge W., Judges' Chambers, County Court, Sydney, N.S.  
 Cunningham, Lieut.-Col. J. F., 400 Laurier Ave. E., Ottawa.  
 Currie, Sir A. W., McGill University, Montreal.  
 Dandurand, Hon. Sénateur R., 548 rue Sherbrooke-ouest, Montreal.  
 Davidson, James, 3442 Stanley St., Montreal.  
 De la Fosse, Fred M., Public Library, Peterborough, Ont.  
 Delage, Hon. Cyrille F., Surintendant, Instruction Publique, Palais législatif, Quebec.  
 Demers, M. le juge Philippe, Palais de Justice, Montreal.  
 Desaulniers, Gonzalve, Palais de Justice, Montreal.  
 D'Eschambault, Rev. Antoine, archevêché, St. Boniface, Man.  
 Desjardins, C. A. R., St. André de Kamouraska, P.Q.  
 Desranleau, P. S., Chanoine, Evêché de Saint-Hyacinthe, P.Q.  
 Desrosiers, Abbé Adélar, Principal de l'Ecole Normale, Montreal.  
 Dobbin, R. L., 622 George St., Peterborough, Ont.  
 Dobbs, Ven. O. G., 309 King St. W., Kingston.  
 Donald, Dr. J. T., 40 Belmont St., Montreal.  
 Dorland, Arthur Garratt, Western University, London.  
 Doughty, Dr. A. G., Public Archives of Canada, Ottawa.  
 Doyon, J. A. Léo, 147 Côte de la Montagne, Quebec.  
 Drummond, Lady, 216 Drummond St., Montreal.  
 Drysdale, Wm. F., 85 Osborne St., Montreal.  
 Duff, Louis Blake, Welland, Ont.  
 Durnford, Mrs. A. D., 3419 Simpson St., Montreal.  
 Durnford, Miss M. G., c/o National Trust Co., Ltd., 153 St. James St., Montreal.  
 Eastman Mack, International Labour Office, Geneva, Switzerland.  
 Edgar, Miss M. C., 507 Guy St., Montreal.  
 Edwards, Major J. Plimsoll, 78 Seymour St., Halifax.  
 Elliott, T. C., Box 775, Walla Walla, Washington.  
 Everts, E. A., Librarian, U.S. Military Academy, West Point, N.Y.  
 Fabre-Surveyor, Hon. Juge E., 128 Avenue Maplewood, Outremont, Montreal.  
 Farley, Mrs. Elizabeth, 115 Bridge St., Belleville, Ont.  
 Farlinger, Miss Isabella K., "Belmont," Morrisburg, Ont.  
 Fauteux, Aegidius, Bibliothèque Saint-Sulpice, rue Saint-Denis, Montreal.  
 Fee, Norman, Public Archives of Canada, Ottawa.  
 Ferguson, P. H., Suite 24, Brussels Apts., Winnipeg.  
 Finlayson, D. K., Grand River, Richmond County, N.S.  
 Finnie, D. M., 329 Chapel St., Ottawa.  
 Fisk, A. K., Bank of Nova Scotia Bldg., Montreal.  
 Flavell, Sir Jos. W., Bart., Queen's Park, Toronto.  
 Flenley, R., University of Toronto, Toronto.  
 Foran, J. K., 762 Bloomfield Avenue, Montreal.  
 Foran, T. P., K.C., 63 Main St., Hull, P.Q.  
 Foran, Mrs. T. P., 147 Wilbrod St., Ottawa.  
 Forsey, Eugene, McGill University, Montreal.  
 Fosbery, C. S., Lower Canada College, Montreal.  
 Foster, Miss Joan, Riverbend School for Girls, Winnipeg.  
 Fotheringham, Maj.-Gen. J. T., 20 Wellesley St., Toronto.  
 Frigon, A. P., 86 rue Notre Dame ouest, Montreal.  
 Frind, Herbert O., Quadra Club, Vancouver.  
 Gagnon, Alph., 87 rue Berthelot, Quebec.  
 Galipeault, Hon. Antonin, Ministre des Travaux Publics et du Travail, Quebec.  
 Galt, G. F., Winnipeg.  
 Gareau, Rév. Père J. B., C.S.V., 1145 St-Viateur, Outremont, P.Q.  
 Garneau, Sir J. Georges, 136 Grande Allée, Quebec.  
 Gibbon, J. M., General Publicity Agent, C.P.R., Windsor St., Montreal.  
 Glazebrook, G. de T., Dept. of History, University of Toronto, Toronto.  
 Golden, Harvey, 265 Mount Royal Ave., Montreal.

(C) ANNUAL MEMBERS—*Continued*

- Gordon, Rev. C. W. (Ralph Connor), Winnipeg.
- Gordonsmith, C., Star Office, Montreal.
- Graham, Hon. Geo. P., Kenniston Apts., 345a Elgin St., Ottawa.
- Grant, W. L., Upper Canada College, Toronto.
- Gravel, Le juge Alphonse, Gravelbourg, Sask.
- Griffin, S. P., 135 St.-Germain Ave., Toronto.
- Green, Judge George Wellington, the Court House, Medicine Hat, Alta.
- Groulx, Abbé Lionel, 1939 rue St. Dominique, Montréal.
- Gunne, Dr. J. R., Dauphin, Man.
- Gurd, Charles, 76 Bleury St., Montreal.
- Hamilton, Colonel Fred, Ottawa.
- Hamilton, John, Union Bank Bldg., Quebec.
- Hamilton, Professor Louis, 4a Luther Strasse, Lichterfelde-Ost, Berlin, W. 15, Germany.
- Hammond, M. O., c/o The Globe, Toronto.
- Harkin, J. B., Commissioner of Dominion Lands, Dept. of the Interior, Ottawa.
- Harkness, John G., Cornwall, Ont.
- Harris, Chief Justice Robert E., 15 South Part St., Halifax.
- Harvey, Hon. Chief Justice, 10226 Connaught Drive, Edmonton.
- Harvey, Daniel C., 124 Chestnut St., Winnipeg.
- Harvey, E. L., University of Washington, Seattle, Wash., U.S.A.
- Harwood, C. A. de Lotbinière, Room 1006, 355 McGill St., Montreal.
- Hathaway, E. J., 401 King St. W., Toronto.
- Haydon, Hon. Andrew, 12 Elgin St., Ottawa.
- Hemsley, Richard, 255 St. James St., Montreal.
- Henderson, John, 67 Albany Ave., Toronto.
- Heriot, Mrs. John C. A., 622 Union Ave., Montreal.
- Hickson, J. W. A., 20 Ontario Ave., Montreal.
- Hill, H. P., 110 Wellington St., Ottawa.
- Hingston, Lady, 460 Sherbrooke St. W., Montreal.
- Horn, David, 131 West-Gate, Armstrong Point, Winnipeg.
- Howay, His Honour Judge F. W., Law Courts, New Westminster, B.C.
- Howes, W. H., Box 297, Kindersley, Sask.
- Huard, Chanoine V. A., 2 rue Richelieu, Quebec.
- Hudson, A. B., House of Commons, Ottawa.
- Hughes-Jones, Mrs. L., 1649 Nelson St., Vancouver.
- Innis, Harold A., Baldwin House, University of Toronto, Toronto.
- Institute of Historical Research, London University, London, Eng.
- Ironsides, P.Q., Collège St-Alexandre.
- Jackson, Mrs. K. B., 365 Hillsdale Ave. E., Toronto 12.
- Jackson, Gilbert, Baldwin House, University of Toronto.
- James, Major R. H., 100 University Ave., Toronto.
- Jarvis, C. W., Fort William, Ont.
- Jarvis, W. H. P., Canton, Ont.
- Jefferys, Charles W., York Mills, Ont.
- Jenkins, John, 666 Belmont Ave., Westmount, P.Q.
- Johnston, Robert A. A., 2902 Avalon Ave., Berkley, Cal., U.S.A.
- Jones, George M., 371 Bloor St. W., Toronto.
- Kennedy, Miss Mary E., Provincial Library, Winnipeg.
- Kennedy, Prof. W. P. M., University of Toronto, Toronto.
- Kenney, Dr. J. F., Public Archives, Ottawa.
- King, Brigadier-General W. B. M., Wolseley Barracks, London.
- King, Right Hon. W. L. Mackenzie, Ottawa.
- Kingan, Gordon B., 484 Lansdowne Ave., Westmount, P.Q.
- LaBruère, Montarville Boucher de, 455 Dorchester-est, Montreal.
- Lafamme, M. l'abbé Eug.-C., 16 rue Buade, Quebec.
- Laidlaw, John B., 77 Lowther Ave., Toronto.
- Laird, David H., 300 Victory Building, Winnipeg.
- Lambert, H. M., 160 St. James St., Montreal.
- Lanctôt, Dr. Gustave, Public Archives, Ottawa.
- Landon, Fred, 846 Hellmuth St., London.
- Lapalice, Ovide, 1204 Côte-des-Neiges, Montreal.
- Lapierre, E. A., Case 1930, Sudbury, Ont.
- Lart, C. E., Hartford, Sidmouth, Devonshire, Eng.
- Latchford, Hon. F. R., Osgoode Hall, Toronto.
- Laureys, Henry, 399 Ave. Viger, Montreal.
- Leacock, Prof. Stephen, McGill University, Montreal.
- Lefebvre, Olivier, 59 Notre-Dame est, Montreal.
- LeMesurier, H. W., St. John's, Newfoundland.
- Léonard, Col. Ibbotson, 782 Wellington St., London.
- Leonard, R. W., St. Catharines, Ont.
- Léonard, Mgr. J. K., Evêque de Rimouski, P.Q.



(C) ANNUAL MEMBERS—*Continued*

- Léopold, L., 8 rue Montesquieu, Nancy, France.
- Lett, R. C. W., Natural Resources Branch, Industrial Dept., C.N.R., Vancouver, B.C.
- Library of Congress, Washington, D.C.
- Lighthall, G. R., Montreal Trust Bldg., Montreal.
- Livingstone, Miss J. C., 303 May St. South, Fort William, Ont.
- Long, Morden H., University of Alberta, Edmonton, Alta.
- Longstaff, Major Frederick Victor, Seabank, 50 Highland Drive, Victoria.
- Lounsbury, R. G., 7 Devon Way, Hastings on Hudson, N.Y.
- Lower, A. R. M., Wesley College, Winnipeg, Man.
- McArthur, Prof. Duncan, Queen's University, Kingston.
- MacDermot, T. W. L., 1776 Queen Mary Road, Montreal, P.Q.
- McElderry, V. J., 415 Water St., Peterborough, Ont.
- MacFarlane, R. O., Almonte, Ont.
- MacInnes, C. M., University of Bristol, Bristol, Eng.
- McInnis, Hector, 35 Bedford St. S., Halifax.
- MacKay, A. H., 61 Queen St., Dartmouth, N.S.
- Mackintosh, W. A., Queen's University, Kingston.
- MacLaren, C. H., 110 Wellington St., Ottawa.
- MacLean, Dr. James A., University of Manitoba, Winnipeg.
- Maclean, John, 64 Walnut St., Winnipeg.
- McLennan, Francis, Loretteville, P.Q.
- McLennan, F. D., Drawer 908, Cornwall, Ont.
- Macleod, J. E. A., 323 Fourth Ave. W., Calgary.
- McLetchie, James K., 6076 Jeanne Mance St., Montreal.
- McMahon, E., 315 Claremont Ave., Westmount, P.Q.
- MacMechan, Archibald, Dalhousie University, Halifax.
- McNeill, John T., Dept. of Church History, University of Chicago, Chicago, Ill., U.S.A.
- Macpherson, J. E., P.O. Drawer 150, Montreal.
- Macpherson, W. Molson, 53 Dalhousie St., Quebec.
- McQueen, Alexander Murray, 56 Church St., Toronto 2.
- McQueen, J. M., 57 Renfrew Ave., Ottawa.
- MacTier, A. D., 474 Sherbrooke St. W., Montreal.
- Magor, J. H., 524 Mount Pleasant Ave., Westmount, P.Q.
- Magrath, C. A., Hydro Electric Commission, Toronto.
- Martin, Prof. Chester, University of Manitoba, Winnipeg.
- Massey, Hon. Vincent, Canadian Legation, Washington, D.C., U.S.A.
- Matheson, Most Rev. Arch., Bishop's Courts, Winnipeg.
- Maurault, Olivier, 116 Ovest Notre Dame, Montreal.
- Michaud, Abbé Jos. D., Val Brilliant, Matane, P.Q.
- Miller, J. B., Grenadier Mansions, Apt. 12, 1946 Bloor St. W., Toronto.
- Mills, Nathaniel, Postmaster, House of Commons, Ottawa.
- Milner, Frank L., K.C., Amherst, N.S.
- Milner, W. C., Wolfville, N.S.
- Molson, J. Dinham, c/o Bank of Montreal, Westmount, P.Q.
- Montreal, P.Q., Collège de Montréal, rue Sherbrooke-ouest.
- Montreal, P.Q., Commission des Ecoles Catholiques.
- Montreal, P.Q., Collège Ste-Marie, 1180 rue Bleury.
- Moore, Miss Elsie, 6 Grosvenor Court, Winnipeg.
- Morden, W. S., K.C., 46 King St. W., Toronto.
- Morgan, F. Cleveland, 308 Peel St., Montreal.
- Morin, Victor, 57 rue Saint-Jacques ouest, Montreal.
- Morton, Arthur S., University of Saskatchewan, Saskatoon, Sask.
- Mount-Duckett, Mrs. M. J., 828 Stuart Ave., Outremont, P.Q.
- Mowat, Hon. H. M., 10 Wellesley St., Toronto.
- Muir, Miss M. Dudley, 2055 Mansfield St., Montreal.
- Mulock, Sir William, Osgoode Hall, Toronto.
- Munro, Prof. W. B., 268 Bellefontaine St., Pasadena, Cal.
- Murphy, Miss Ethel, 128 Park St., Moncton, N.B.
- Murray, W. H., 36 Churchill Ave., Westmount, P.Q.
- Naftel, Frederick J., Goderich, Ont.
- Needler, G. H., University College, Toronto.
- Neilly, Mrs. Balmer, 39 Woodlawn Ave. East, Toronto.
- Nelson, H. C., Box 181, Chapeau, Ont.
- New, Chester W., McMaster University, Toronto.
- Nicholson, G. B., Chapeau, Ont.
- Oliver, Mrs. Frank, Edmonton, Alta.
- O'Meara, Hiss Hortense, Chateau Laurier, Ottawa.
- Orchard, Rev. F. Graham, T.C.S., Woodstock, Ont.

(C) ANNUAL MEMBERS—*Continued*

- Panabaker, D. N., Walker St., Hespeler, Ont.  
 Papineau, Mgr. Evêché de Joliette, Joliette, P.Q.  
 Papineau-Couture, R., 112 St. Peter St., Montreal.  
 Paton, Hugh, 38 Victoria Square, Montreal.  
 Pearce, William, 2014, 17th Ave., Calgary, Alta.  
 Peardon, Thos. P., Columbia University, New York, N.Y.  
 Pearson, John A., Architect, Toronto.  
 Pearson, L. B., History Dept., University of Toronto, Toronto.  
 Pease, E. L., 718 Sherbrooke St. W., Montreal.  
 Pemberton, C. C., 323 Sayward Bldg., Victoria, B.C.  
 Perley, Hon. Sir George H., 21 Blackburn Ave., Ottawa.  
 Peterborough Public Library, Peterborough, Ont.  
 Pierce, Dr. Lorne, The Ryerson Press, Toronto.  
 Planta, Mrs. Albert E., Nanaimo, B.C.  
 Plaunt, Alan B., Christ Church College, Oxford, Eng.  
 Ponton, Lieut.-Col. W. N., Bridge St., Belleville, Ont.  
 Port-au-Prince, Haiti, Le Général Légitime.  
 Powell, H. A., Royal Bank Bldg., St. John, N.B.  
 Pritchett, John Perry, Russell Sage College, Troy, N.Y.  
 Public Archives of Canada, Ottawa.  
 Quebec, Ministre des Terres et Forêts, Quebec, P.Q.  
 Quebec, Département l'Illustration Publique, Quebec.  
 Raymond, Raoul, 2402 St. Catherine St. E., Montreal.  
 Reford, R. W., 20 Hospital St., Montreal, P.Q.  
 Reid, R. L., Yorkshire Bldg., Vancouver, B.C.  
 Richmond, F. J., P.O. Box 524, Gaspé, P.Q.  
 Riddell, Hon. W., Osgoode Hall, Toronto.  
 Rideout, Mrs. Grant, 25 Bellevue Place, Chicago, Ill., U.S.A.  
 Rife, Prof. C. W., Hamline University, St. Paul, Minn., U.S.A.  
 Robert, Mrs. Mary Winslow, 371 Wilbrod St., Ottawa.  
 Robertson, J. W., 474 Wilbrod St., Ottawa.  
 Robertson, Miss Margaret A., Public Archives, Ottawa.  
 Robidoux, D. J., Shediak, N.B.  
 Robinson, W. Beverley, 906 McGill Bldg., Montreal.  
 Roper, Right Rev. J. C., 140 Bay St., Ottawa.  
 Ross, Mgr. F. X., Evêque de Gaspé, Gaspé, P.Q.  
 Ross, John T., 110 St. Peter, Quebec, P.Q.  
 Ross, Miss Margaret, 109 Crescent, Montreal.  
 Ross, Victor, 56 Church St., Toronto, Ont.  
 Rowell, Hon. N. W., 134 Crescent Road, Toronto.  
 Rowley, C. W., c/o The Canadian Bank of Commerce, Head Office, Toronto.  
 Roy, l'abbé Camille, University Laval, Quebec, P.Q.  
 Roy, Ferdinand, Palais de Justice, Quebec, P.Q.  
 Roy, Pierre-Georges, 44 Wolfe St., Levis, P.Q.  
 Royal Institute of International Affairs, St. James Square, London, Eng.  
 Rutherford, Hon. A. C., Edmonton, Alta.  
 Sage, W. N., University of British Columbia, Vancouver, B.C.  
 St-Hyacinthe, Séminaire de, P.Q.  
 Scott, Duncan C., Department of Indian Affairs, Ottawa.  
 Scott, Lieut.-Col. Canon F. G., Quebec, P.Q.  
 Scott, Abbé H. A., Ste-Foy, P.Q.  
 Scott, H. Percy, M.A., Windsor, N.S.  
 Scott, S. Morley, 621 Forest Ave., Ann Arbor, Mich.  
 Seaman, Holly S., 29 May St., Winnipeg, Man.  
 Sherwood, Sir Percy, 451 Daly Ave., Ottawa.  
 Shiels, Archie W., Pacific American Fisheries, South Bellingham, Washington.  
 Sirois, Joseph, rues Couillard et Christie, Quebec.  
 Sissons, Prof. C. B., Victoria College, Toronto 5.  
 Sjostedt, Mrs. Jessie Winslow, 237 Chapel St., Ottawa.  
 Skelton, O. D., Dept. of External Affairs, Ottawa.  
 Smith, A. Victor, Dorchester, N.B.  
 Smith, Clarence F., Windsor Hotel, Montreal.  
 Smith, C. Howard, 138 McGill St., Montreal.  
 Smith, Mrs. E. Atherton, St. John, N.B.  
 Smith, Hon. E. D., Winona, Ont.  
 Smith, G. Harrison, 56 Church St., Toronto.  
 Smith, Geo. M., 11 Washington Ave., Toronto 5.  
 Smith, Joe Patterson, Illinois College, Jacksonville, Ill.  
 Smith, Wm., Public Archives, Ottawa.



(C) ANNUAL MEMBERS—*Concluded*

- Somerville, C. R., 16 Kensington Apt., London, Ont.  
 Somerville, Mrs. J. M., Kenniston Apts., Ottawa.  
 Southam Publishing Co., 1070 Bleury St., Montreal.  
 Soward, F. H., Dept. of History, University of British Columbia, Vancouver, B.C.  
 Spry, Graham, Victoria Bldg., Wellington St., Ottawa.  
 Starnes, Lt.-Col. Cortlandt, 421 Laurier Ave. E., Ottawa.  
 Staton, Miss Frances, Reference Library, College St., Toronto.  
 Stevens, Hon. H. H., 402 Pender St. W., Vancouver, B.C.  
 Story, Miss Norah, Public Archives, Ottawa.  
 Strasbourg, University of Strasbourg, France.  
 Stuart, Sir Campbell, The Times, Printing House Square, London, E.C. 4, Eng.  
 Sullivan, A., Dept. of Education, Victoria, B.C.  
 Sutherland, J. C., Department of Education, Quebec, P.Q.  
 Snannell, Frank, 564 Dallas Road, Victoria, B.C.  
 Sword, Colin E., Metropolitan Bldg., Toronto.  
 Talman, James J., 88 Delaware Ave., Toronto.  
 Taschereau, Hon. L. A., Hôtel du Gouvernement, Quebec, P.Q.  
 Tessier, Cyrille, 12 d'Aiguillon St., Quebec, P.Q.  
 Thériault, Elisée, Hôtel de Ville, Quebec.  
 Thompson, Lt.-Col. A. T., 500 Victoria Bldg., Ottawa.  
 Thompson, Mrs. Ida Munro, Topographical Survey Branch, Dept. of Interior, Ottawa.  
 Thompson, Mrs. E. J., Niagara-on-the-Lake, Ont.  
 Thompson, R. B., University of Toronto, Toronto.  
 Tilley, Leonard T. D., K.C., St. John, N.B.  
 Todd, John Bigelow, 166 Hargrave St., Winnipeg.  
 Tombs, Guy, 1111 Beaver Hall Hill, Montreal.  
 Tombs, L. C., 503 Mount Pleasant Ave., Westmount, P.Q.  
 Trigge, A. St. L., P.O. Box 121, Melbourne, P.Q.  
 Trois-Rivières, Séminaire de, Trois-Rivières, P.Q.  
 Trotter, Reginald G., Queen's University, Kingston, Ont.  
 Tyrrell, J. B., 14 Walmer Road, Toronto.  
 Underhill, Frank H., University of Toronto, Toronto 5.  
 Wallace, Malcolm W., University College, University of Toronto, Toronto.  
 Warner, Clarence M., 49 Wall St., New York, N.Y., U.S.A.  
 Watson, S. B., 27 McLennan St., Toronto.  
 Watson, R., Editor, The Beaver, 93 Main St., Winnipeg.  
 Waugh, W. T., McGill University, Montreal.  
 Webster, Dr. J. C., Shediac, N.B.  
 Weir, Hon. Mr. Justice, 4219 Western Ave., Westmount, P.Q.  
 Whitelaw, W. M., M.A., Smithville, Ont.  
 Whitton, Miss Charlotte, 404 Daly Ave., Ottawa.  
 Williams, Basil, University of Edinburgh, Scotland.  
 Williams, David, Collingwood, Ont.  
 Williams-Taylor, Sir Frederick, Bank of Montreal, Montreal.  
 Wilson, George E., Dalhousie University, Halifax.  
 Winslow, J. J. Fraser, Fredericton, N.B.  
 Wittke, Carl F., Ohio State University, Columbus, Ohio, U.S.A.  
 Woods, Lt.-Col. Wm., 59 Grande Allée, Quebec.  
 Woodyatt, James B., 5 Hudson Ave., Westmount, P.Q.  
 Wrong, Prof. G. M., R.R. No. 1, Port Hope, Ont.  
 Wrong, H. H., Canadian Legation, Washington, D.C.  
 Wurtele, Lt.-Col. E. F., Box 67, Station B, St. Catherine St. W., Montreal.  
 Yeigh, Frank, 588 Huron St., Toronto.  
 Young, Archibald Hope, Trinity College, Toronto.

# STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR THE FISCAL YEAR ENDING APRIL 30, 1929

## RECEIPTS

1928			
April 30	Balance on hand.....	\$	643 34
1929			
April 30	Subscriptions . . . . .	\$	1,253 41
	Bank interest on deposits.....		18 56
			<u>1,271 97</u>
		\$	<u>1,915 31</u>

## DISBURSEMENTS

C. H. A. Walton, services at Winnipeg.....	4 00
T. W. Leslie, supplies and assistance at Winnipeg.....	12 80
Modern Press, printing.....	51 19
Jas. Hope & Sons, Limited, stationery.....	3 00
Petty disbursements . . . . .	10 00
Cunningham & Co., auditing.....	10 00
Telegrams. . . . .	1 67
The University of Chicago Press.....	4 25
Bank exchange . . . . .	20 95
Printing Canadian Historical Review.....	413 80
Bulletin des Recherches Historiques.....	133 00
Miss N. Stratton, clerical assistance.....	60 00
Gustave Lanctot, allowance as French secretary and editor..	200 00
Norman Fee, allowance as secretary-treasurer.....	200 00
	<u>1,124 66</u>
Balance on hand.....	<u>790 65</u>
	\$ <u>1,915 31</u>

Examined and found correct,

NORMAN FEE,  
*Secretary-Treasurer.*

JAS. F. CUNNINGHAM, C.A.,  
*Auditor.*

OTTAWA, May 21, 1929.

## ERRATA

In Professor Sage's paper: *John Work's First Journal*, the following corrections should be inserted:—

P. 23, note 14: The symbol used for York Factory was a single letter combining the two letters, Y and F, but as there is no type for it, the single letter F is used to represent it in the present paper.

Pp. 23-24: *Isle à la Crosse* instead of *Fort Isle à la Crosse*.

P. 25: *Dogrump's Creek* instead of *Dogmeny's Creek*.



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